

NEW YORK STATE
OFFICE OF THE INSPECTOR GENERAL

INTERVIEW

of

EUGENE PALMER

Case: 1072-316-2015

Monday, December 21, 2015
11:25 a.m.
Clinton County Government Center
137 Margaret Street, Suite 215
Plattsburgh, New York 12901

APPEARANCES:

FOR THE STATE OF NEW YORK OFFICE OF THE
INSPECTOR GENERAL:

[REDACTED]
Inspector General

[REDACTED]
Deputy Inspector General

[REDACTED]
Investigative Counsel

[REDACTED]
Deputy Chief Investigator

[REDACTED]
Investigator

FOR EUGENE PALMER:

[REDACTED]
75 Columbia Street
Albany, New York 12210
BY: [REDACTED], ESQ.
[REDACTED], ESQ.

ALEXY ASSOCIATES, INC.
(518) 798-6109

1 ALSO PRESENT:

2 [REDACTED]
District Attorney, Clinton County

3 [REDACTED]
Asst. District Attorney, Clinton County

1 (Prior to the commencement of the
2 proceeding, DOCCS Exhibits 2 through 4 were marked
3 for identification.)

4 [REDACTED] The first
5 matter is a proffer agreement, and I guess it's a
6 two-page document. We can mark it, I guess, as an
7 exhibit, Exhibit 1. And the agreement, I'll just
8 read it on the record.

9 (Exhibit 1 was marked for identification.)

10 [REDACTED] Pursuant to
11 a plea agreement entered into by Gene Palmer and
12 the District Attorney of Clinton County, Gene
13 Palmer has agreed to cooperate with the state
14 agencies seeking to interview him in connection
15 with matters arising from his employment as a
16 corrections officer at Clinton Correctional
17 Facility.

18 It is agreed and understood that the plea
19 of Palmer to a felony and two misdemeanors shall be
20 in full satisfaction of all charges which could be
21 brought against him in Clinton County.

22 Thus, it is agreed that any information
23 provided by Palmer to State agencies shall be
24 protected by the plea agreement, such that all such
25 information shall not be used against him to

1 commence any further criminal proceeding in Clinton
2 County or for any other purpose.

3 Any State agency seeking to interview
4 Palmer shall be required to consent to the terms of
5 this agreement. At this time the only agency
6 seeking to interview is the New York State
7 Inspector General.

8 The District Attorney and Palmer agree that
9 the transcribed interview of Palmer by the
10 Inspector General shall be given to the District
11 Attorney and shall be covered by the provisions of
12 the plea agreement that the State -- that his plea
13 is in full satisfaction of all charges that can be
14 brought against him. Agencies that do not record
15 or transcribe Palmer's interview shall,
16 nevertheless, provide to the District Attorney
17 specific information to identify the subject matter
18 of the interview and contents thereof.

19 The Inspector General has requested, and
20 the District Attorney and Palmer have agreed, that
21 Palmer shall meet with the Inspector General at any
22 time before the plea to commence the interview.
23 Thus, if for any reason, the plea is not accepted
24 by the court or not made in accordance with the
25 plea agreement, the agreement shall be considered a

1 proffer agreement. Note that no statements Palmer
2 makes during the Inspector General's interview
3 shall be used against him civilly or criminally for
4 conduct described during the interview.

5 It is agreed and understood that this
6 agreement shall not and cannot bind the federal
7 government. Despite the fact that the federal
8 agent and the New York State Police Officer who
9 interviewed Palmer prior to being -- to his being
10 charged in Clinton County, it is agreed and
11 understood that Palmer will assert that this case
12 is a joint investigation so that this agreement can
13 be said to bind the federal government.

14 Accordingly, and in an effort to avoid
15 preparing for a contingency that is not likely to
16 occur, should any issue arise during the interview
17 that implicates federal jurisdiction, the parties
18 will go off the record and seek to resolve the
19 matter cooperatively.

20 This document is signed on today's date by
21 myself and by [REDACTED], attorney for Gene
22 Palmer.

23 There were discussions prior to today
24 between myself, Inspector General Catherine
25 Leahy-Scott and [REDACTED] relative to the scope of

1 today's interview and what our -- when I say "our,"
2 the Clinton County District Attorneys Office' --
3 understanding of that scope, and that scope is of
4 the following: That it would relate to the defense
5 counsel -- I'm sorry, that it would relate to
6 questioning of Palmer in the following areas:

7 Background and training, duties and
8 responsibilities, interactions and observations
9 with Matt, Sweat -- that's S-W-E-A-T -- and
10 Mitchell, inmate movement in and around facilities,
11 paintings by Matt and Sweat, Mr. Palmer's
12 knowledge, delivery of those paintings to other COs
13 and civilians, the inmate liaison program, the
14 catwalk, the honor block, cell swaps, contraband,
15 assisting, aiding and abetting, the bringing of
16 contraband to inmates Richard Matt and David Sweat
17 and other inmates, which include food, spices,
18 tools, paints, etcetera. Those are the violations
19 of policy and directives that would be the topic of
20 the interviews.

21 With those additions, I agree to go forward
22 with the proffer agreement which has been signed.

23 Do you need clarification from [REDACTED]
24 and from Mr. Palmer that that's accurate?

25 [REDACTED] That's accurate. I would

1 just point out -- can I see the proffer agreement
2 there for a second? I think that -- I may have
3 misread this, but I intended to say that Palmer
4 asserts that this is not a joint investigation.

5 [REDACTED]
6 Federal.

7 [REDACTED] Federal, yes, a joint,
8 federal/state, investigation.

9 [REDACTED] That's
10 acceptable.

11 [REDACTED] So this agreement can be
12 said to bind the federal government. In other
13 words, it can't -- it's not intended to bind the
14 federal government. We do not assert that it's a
15 joint investigation at this point based on the fact
16 that a federal agent was present during his
17 interview.

18 [REDACTED] Do you want
19 to --

20 [REDACTED] That's all.

21 [REDACTED] That portion
22 of the agreement, do you want to just strike that
23 part and --

24 [REDACTED] It says it accurately.

25 [REDACTED] Okay, all

1 right.

2 [REDACTED] It repeats it accurately,
3 so we're ready to proceed.

4 [REDACTED] Sure. Should we mark
5 that as evidence as Exhibit 1?

6 [REDACTED] It is marked.

7 [REDACTED] And I
8 would just request that we make copies specifically
9 of that agreement that everybody has. The DA, you
10 will take the original as -- of your prosecution,
11 and we will retain a copy as well. Thank you.

12 [REDACTED] Okay, now we have a
13 standard preamble that we go into, so I would like
14 to read that right now.

15 Thank you for coming in today. The New
16 York State Inspector Generals Office is conducting
17 an investigation pursuant to its authority under
18 Article 4A of the Executive Law.

19 Is the person accompanying you here today
20 an attorney representing you in connection with
21 this proceeding?

22 MR. PALMER: Yes.

23 [REDACTED] Please identify yourself
24 for the record.

25 [REDACTED] and [REDACTED]

1 [REDACTED].

2 [REDACTED] Thank you. There are
3 certain instructions and warnings we give to all
4 witnesses, so I'll do that now. There's a
5 stenographer here today who will be transcribing
6 your testimony. Please try to speak clearly and
7 slowly. Let me finish my question before you give
8 an answer. Please give verbal responses; for
9 example, say yes or no rather than shaking or
10 nodding your head.

11 You're appearing here today pursuant to
12 your plea agreement with Clinton County District
13 Attorney Andrew Wylie. In a moment, you will be
14 sworn in, and you will be required to take an oath
15 to testify truthfully. After you take the oath to
16 tell the truth, if you intentionally make a
17 materially false or misleading statement, you may
18 be prosecuted for perjury. Do you understand what
19 I've just said?

20 MR. PALMER: Yes.

21 [REDACTED] Do you have any
22 questions?

23 MR. PALMER: No.

24 [REDACTED] If a question calls for
25 an answer that would tend to incriminate you, you

1 have the right to assert your Fifth Amendment
2 privilege and not answer that question. Do
3 understand that?

4 MR. PALMER: Yes, sir.

5 [REDACTED] Do you have any
6 questions?

7 MR. PALMER: No.

8 [REDACTED] Okay, is there anything
9 that would interfere with your ability to testify
10 today?

11 MR. PALMER: No.

12 [REDACTED] Okay, please raise your
13 right hand.

14 EUGENE PALMER,
15 having been first duly sworn by [REDACTED], was
16 examined and testified as follows:

17 [REDACTED] Just one further comment.
18 We don't intend to plead the Fifth at any time, so,
19 for any reason, we think you go outside the scope
20 of the agreed upon proffer, the statement that has
21 just been read into the record, we're simply going
22 to say it's beyond the scope. I don't want to put
23 Mr. Palmer in a position of cooperating and then
24 pleading the Fifth today especially since,
25 obviously, there's an investigation going on at the

1 State level.

2 [REDACTED] Thank

3 you.

4 [REDACTED] Okay.

5 BY [REDACTED]

6 Q Now that you've taken the oath, do you have any
7 condition, or are you taking any medication that would
8 affect your ability to understand our questions and answer
9 truthfully?

10 A No.

11 Q Okay. We'll start with a little bit of background
12 information. Date of birth?

13 A [REDACTED].

14 Q Current address?

15 A [REDACTED]

16 Q And that's in New York, right?

17 A Yes.

18 Q Okay, your education.

19 A [REDACTED].

20 Q Okay, what college is that?

21 A [REDACTED].

22 Q [REDACTED]

23 A [REDACTED]

24 Q And are you currently living with another --

25 A Yes.

1 Q And who is that?

2 A Mary Lamar.

3 Q And what is your relationship to Mary Lamar?

4 A Fiance.

5 Q Okay. When did you first commence DOCCS

6 employment?

7 A 8/24/87.

8 Q And can you briefly describe the facilities that

9 you were assigned to and the length of time you were

10 assigned to them?

11 A Repeat that again.

12 Q Can you briefly describe the facilities that you

13 were assigned to and the length of time that you were

14 assigned to them?

15 A Sing Sing for nine days, Green Haven for one year,

16 and 25 and a half, possibly, at Clinton.

17 Q So is it correct to say you were at Clinton

18 Correctional Facility from 1998 to the present?

19 A Yes.

20 Q Okay, at Clinton Correctional -- well, actually,

21 let's start back. At Green Haven Correctional Facility

22 what was your -- what title did you hold?

23 A I was a relief officer for C block.

24 Q And at Clinton Correctional Facility describe your

25 titles and --

1 A I had several jobs over that time frame.

2 Q Okay, can you start with the earliest and give us
3 just a very brief description of what they were?

4 A North yard, I worked in the mess hall, then I
5 worked the 9:30 shift. I worked in the school, and then I
6 was tailor shop escort.

7 Q In the north yard, what years were you assigned to
8 the north yard?

9 A The first two years I arrived.

10 Q Okay, the mess hall?

11 A The following three years.

12 Q And the 9:30 shift, where was that?

13 A That's in the main, and I was 14 years.

14 Q And when you say the main, it's not the annex.

15 A Yes, in Dannemora.

16 Q And this 9:30 shift in the main facility, where
17 were you assigned within the facility?

18 A You work the whole facility.

19 Q Were you at various, various?

20 A Yes, you could say that, yeah. Your job varied
21 from day to day.

22 Q Okay, and then you were assigned to the school?

23 A Yes.

24 Q And how many years was that?

25 A Two years.

- 1 Q Two years? And is that within the industry
2 building?
- 3 A Yes.
- 4 Q Okay, and then your final assignment was tailor
5 shop escort, is that correct?
- 6 A Yes.
- 7 Q And how many years?
- 8 A Eight years.
- 9 Q Eight years. Did you have other assignments or
10 other bids during that period other than tailor shop
11 escort?
- 12 A No.
- 13 Q Were you also assigned -- not assigned. Did you
14 also complete weekend duties?
- 15 A With that job, yes.
- 16 Q Okay, and where would that be?
- 17 A A block.
- 18 Q And how long would that be?
- 19 A That was for eight years also.
- 20 Q Okay, so during the week you would be an escort to
21 tailor shop, and on some weekends you would be in A block.
- 22 A All weekends.
- 23 Q All weekends you're an A block officer.
- 24 A Yes.
- 25 Q How many hours would you typically work a week?

- 1 A Forty.
- 2 Q Straight 40, okay. Generally, can you describe the
3 duties and responsibilities as an escort officer to the
4 tailor shops for the last eight years? What do you do?
- 5 A I patrol the industry, go from all the shops. I
6 patrol the school. If an inmate need an escort to,
7 whether it be the hospital or back to the block, that's
8 when I would perform that task.
- 9 Q And when you say "patrol," would you walk the
10 grounds regularly?
- 11 A Yes.
- 12 Q And where did you have to patrol as an escort?
- 13 A All of industry.
- 14 Q All of industry, so the basement, first floor,
15 second floor?
- 16 A Yes.
- 17 Q So you cover such things as light, heat and power
18 in the basement?
- 19 A Yes.
- 20 Q And then you would go up to some of the tailor
21 shops on the first floor?
- 22 A All the tailor shops, yes.
- 23 Q And then the tailor shops on the second floor?
- 24 A Yes.
- 25 Q Are there also school and vocational shops there?

- 1 A Yes, third floor, fourth floor school.
- 2 Q Okay. Am I missing any shops? Is that everything,
3 is the tailor shops, school?
- 4 A Pretty much. You have most of them.
- 5 Q Okay.
- 6 A You have the general library. You have the law
7 library, and then you also have custodial maintenance.
- 8 Q Okay, also record storage in the basement? Is that
9 correct or incorrect? Is there record storage in the --
- 10 A Record?
- 11 Q Yes.
- 12 A As in paperwork?
- 13 Q Yeah, inmate records, were they also housed in some
14 section of the --
- 15 A In the state shop, you would have that in the state
16 shop the documentations of the clothing that inmates wore.
- 17 Q Okay, and this daily patrol of these -- of the
18 industry building, how long would that take?
- 19 A Thirty minutes.
- 20 Q Thirty minutes? Is it conducted once each shift or
21 several times each shift?
- 22 A You just go through them through the day.
- 23 Q So you repeatedly go through this --
- 24 A Yes.
- 25 Q -- patrol. And when you're doing the patrol you

- 1 are escorting inmates to and from --
- 2 A Yes.
- 3 Q -- areas? So does that include escorting from the
- 4 blocks to the tailor shop?
- 5 A Not so much from the blocks to the tailor shops,
- 6 but from the tailor shops back to the blocks. Now, in the
- 7 morning you would escort them over to the shops.
- 8 Q Okay, so in the morning would you escort over from
- 9 6 company and 3 company inmates to the tailor shop?
- 10 A Yes.
- 11 Q Okay. Once within the tailor shop, would you
- 12 escort those inmates to their various locations that they
- 13 might need to go to?
- 14 A Yes.
- 15 Q Does that include mess or chow?
- 16 A Now, when they did run chow, I would stand on A
- 17 block steps.
- 18 Q Okay, so you didn't actually walk with the
- 19 prisoner. You just observed them as they --
- 20 A Yes.
- 21 Q -- pass by you.
- 22 A Yes.
- 23 Q What about if an inmate needed to go from the
- 24 tailor shops to the package room?
- 25 A That was generally done on a pass.

1 Q Okay, so the inmate would not be physically
2 escorted by an officer? They would be given a pass?

3 A Most generally. There were times when you would
4 bring a convict down --

5 Q Okay.

6 A -- under escort to the package room.

7 Q And what would be the times that you would -- what
8 would be the times that you would escort a prisoner and
9 those times that a prisoner would be able to go to a
10 location on a pass?

11 A How long it would take?

12 Q No. Why would some prisoners be allowed to simply
13 move to another location on a pass, and why would some
14 others need to be escorted?

15 A As in for the hospital? That's all under escort.
16 No passes are sent.

17 Q Okay, so every inmate leaving tailor shop to the
18 hospital goes under escort.

19 A Yes.

20 Q What about to the package room?

21 A Most times it was under a pass. That was under a
22 pass.

23 Q In particular, Mr. Richard Matt and Mr. David
24 Sweat, would they be allowed to go to the package room on
25 a pass?

1 A If that came up, yes.

2 Q Do you recall that happening with, say, Mr. Matt?

3 A No, not that I know of, because if they came out of
4 the shop under a pass I wouldn't be notified of that.

5 Q Okay, but you would not escort them from the tailor
6 shop to the package room.

7 A No.

8 Q Okay, to the hospital, they all require escorts.

9 What about to the -- in the commissary, would that require
10 an escort? I know you stand on watch, but would that
11 require an escort, or would that be done on a pass?

12 A Normally, the commissary, that was all done by
13 commissary officers.

14 Q Okay, so always with an escort, though, never on a
15 pass.

16 A Yes.

17 Q Okay. In the rare occasion that an inmate would
18 take ill, say, and not go to the hospital but go back to
19 his block, would that be done with an escort or with a
20 pass?

21 A Done by escort.

22 Q Okay. Can you briefly describe the procedure when
23 an inmate is handed off from, say, an escort officer?
24 He's leaving the tailor shop and is handed off to another
25 officer to observe them, say, going to mess.

1 A Rephrase that?

2 Q When an inmate leaves the tailor shops for the mess
3 hall and you're observing them pass by, is there any
4 procedure for the hand-off to the next officer?

5 A No. My function was, I stood on A block steps, and
6 as they called the shops over, the shop officer would
7 follow the inmates, his group of inmates to the mess hall,
8 and he would stay with them.

9 Q Okay. During that process from tailor shops to
10 mess hall, was there -- were there any -- was there use of
11 a magnetometer or a wand?

12 A There were three doors. Only one door had a metal
13 detector. The other two doors didn't have metal
14 detectors.

15 Q Okay, and correct me if I'm wrong. There's an A
16 corridor, a B corridor and a C corridor?

17 A Yes.

18 Q B corridor is the only corridor that has a
19 magnetometer?

20 A Yes.

21 Q During transport from tailor shop to mess hall,
22 would this C corridor and A corridor be used?

23 A Yes.

24 Q All the time or sometimes?

25 A All the time.

1 Q Okay, so inmates could simply leave the tailor shop
2 and go through any of the three corridors?

3 A They have specific doors that they had to go
4 through when they went to chow, but only B block had the
5 metal detector.

6 Q Okay, even though B blocker had a metal detector,
7 would it be used during chow?

8 A No.

9 Q Ever? To your recollection.

10 A At times it would be, but the time involved delayed
11 production.

12 Q Okay, so transport from tailor shops to chow,
13 regardless of the corridor, is done without going through
14 a metal detector.

15 A Yes.

16 Q Or being wanded.

17 A Correct.

18 Q Or being pat-frisked.

19 A Correct.

20 Q Okay. Is it the same for transport from the mess
21 halls back to the tailor shop?

22 A Correct.

23 Q Okay, transport from the tailor shops to the
24 package room, would the inmate have to pass through any
25 device?

1 A In that situation, he would go through B block, and
2 then they would process him through the metal detector.

3 Q In your observations, have they always --

4 A Yes.

5 Q -- done that? So an inmate leaving tailor shop for
6 the package room would go through B block and would always
7 pass through the metal detector.

8 A Yes.

9 Q Okay, to the hospital. An inmate leaving the
10 tailor shops to go to the hospital, would they always pass
11 through a metal detector?

12 A Yes.

13 Q And where would that metal detector be?

14 A At the top of the top of the stairs at C block,
15 before they entered the hospital, there was a metal
16 detector there that they had to go through.

17 Q Okay, so when an inmate left the tailor shops
18 headed for the hospital, would they go through the A, B or
19 C corridor?

20 A The B block first.

21 Q So they go through the B corridor.

22 A Yes.

23 Q But that magnetometer in the B corridor would not
24 be manned at that time?

25 A Yes, it was manned all the time.

1 Q It was, okay. But even though that was manned in
2 the B corridor, they would not use that at the time? Is
3 that correct or incorrect?

4 A When he was going to the hospital, you would want
5 him through B block corridor first. He would go through
6 that magnetic, and then when you got up to the hospital he
7 would go through a second one.

8 Q So an inmate leaving the tailor shop for the
9 hospital would go through two magnetometers.

10 A Yes.

11 Q And from your observations was it always the case?

12 A Yes.

13 Q An inmate leaving from the tailor shops to -- at
14 the end of the day to go back to the blocks, where
15 would -- which corridor would they use?

16 A At that time they would use B block.

17 Q And what percentage of the inmates leaving tailor
18 shop at the end of the day to go back to the blocks would
19 pass through the magnetometer?

20 A All of them.

21 Q Okay. If an inmate had possessions, say headphones
22 or a bag of some sort, would that also, from your
23 observations, pass through the magnetometer at the end of
24 the day?

25 A Yes.

1 Q And likewise, if they were going to the hospital
2 would --

3 A Yes.

4 Q It would, okay. Would headphones cause the
5 magnetometer --

6 A Yes, and there was a desk they would place that bag
7 on, and the officer would search the bag.

8 Q Okay, so let me just make sure I have this correct.
9 So an inmate leaving the tailor shop at the end of day, if
10 they were processed through the magnetometer with
11 headphones, an alert would be sounded because of the
12 metallic object in the headphones; is that correct or
13 incorrect?

14 A They would be instructed to remove all metal before
15 they entered.

16 Q Okay, so the headphone would bypass the mag --

17 A Yes.

18 Q -- netometer.

19 A It would be placed on the table.

20 Q Okay, when it's placed on a table what happens to
21 it next?

22 A The officer would search those items.

23 Q Physically or with a wand or --

24 A Physically.

25 Q Okay, and something like a headphone, it would just

1 be an observation of the --

2 A Yes.

3 Q You also said part of your duties would be weekend

4 duties in A block.

5 A Correction. One day in A block, one day in the

6 north yard.

7 Q Every weekend.

8 A Yes.

9 Q Okay. Your duties in the north yard, what would

10 that entail?

11 A I would be assigned to a post, and you would sit on

12 the post and observe inmates.

13 Q Okay, in a tower or outside in the yard?

14 A Outside.

15 Q Okay. That sums up the whole, the whole shift?

16 A Yes.

17 Q That's what you do? Okay, your duties as a weekend

18 officer in A block, were you first man or second man?

19 A Negative, no.

20 Q Neither.

21 A Neither.

22 Q What were you?

23 A I was 6 company officer.

24 Q 6 company, okay, and that's -- that's the title

25 that you held.

- 1 A Yes.
- 2 Q Okay, and describe briefly your duties and
3 responsibilities.
- 4 A I would take a chow rec list, run my inmates, which
5 was generally one group. The whole block would go, bring
6 them to the mess hall, bring them back, lock them in.
- 7 Q Okay, solely 6 company or --
- 8 A Yes.
- 9 Q -- 3 company also?
- 10 A There was an officer assigned to each company.
- 11 Q Okay, and so you would take those inmates from 6
12 company to either rec or to chow.
- 13 A Well, yes, correct.
- 14 Q Okay, and the shift that you -- that was the 7 to 3
15 shift?
- 16 A Yes.
- 17 Q Okay. Any other duties and responsibilities during
18 that time?
- 19 A When they came out from mess hall rec you would
20 observe them on the flats. They would watch TV, cook,
21 make telephone calls, play games, chess or cards,
22 whatever, and you just made observations of their actions.
- 23 Q Okay, at that time you were assigned to the 6
24 company? You were up on 6 company or you were down in
25 the --

- 1 A Well, you bring them downstairs to 1 and 4 company.
2 Those were larger. They were called the flats.
- 3 Q Okay.
- 4 A And that's where all the TV's and the phones were
5 and the cooking stations.
- 6 Q Would all the inmates leave 6 company and go to the
7 flats or would some --
- 8 A If they wanted to rec they would, yes.
- 9 Q Okay, would some remain behind?
- 10 A Yes.
- 11 Q And would you observe both of those that remained
12 behind and those on the flats?
- 13 A Yes. You would go back up and make rounds.
- 14 Q Okay, and you would have free access to go from the
15 flats to 6 company --
- 16 A Yes.
- 17 Q -- during that time. And is that what, in fact,
18 you would do? You would go from the flats to 6 company?
- 19 A Through the whole block, if you wanted.
- 20 Q Okay, were there occasions during the last, from
21 say January 1 to the escape, that inmates remained behind
22 on 6 company?
- 23 A Yes.
- 24 Q And did they include Sweat and Matt?
- 25 A Yes.

1 Q Okay, and during that time did you have -- did you
2 observe them?

3 A In their cells, yes.

4 Q In their cells. Were they locked in?

5 A At times.

6 Q At times. Other times not.

7 A They were allowed to take showers. We gave showers
8 in the blocks.

9 Q Okay, would that be the new showers on 6 company --

10 A Yes.

11 Q -- or the ones -- okay, the new showers on 6
12 company. Would the new showers -- what was the date that
13 the new showers were built on 6 company, a rough month?

14 A I don't know the exact time frame, but that went on
15 for a long time.

16 Q Prior to that were they showering on the flats?

17 A No, we still use the showers upstairs also.

18 Q Okay, so the old showers worked even though they
19 were rehabbed.

20 A Yes.

21 Q Okay. Was there ever a time on 6 company that
22 inmates that did not go to the flats for rec remained on 6
23 company but they were not locked in?

24 A You had a weekend porter that he would go up and
25 down the gallery and clean the gallery. And if I had men

1 that wanted to take a shower and lock back in, they did
2 so.

3 Q And they would lock back in with the assistance of
4 the correction officer or they would lock --

5 A They would just close their cell on their own.

6 Q Okay, so, on occasion, on 6 company there were
7 inmates that were on the gallery and not locked into their
8 cells.

9 A Yes.

10 Q And so they were taking showers and returning to
11 their cells and then locking themselves back in.

12 A Yes.

13 Q Simply pulling the door shut.

14 A Yes.

15 Q Okay, and did you observe them during the times
16 that they were out on the gallery?

17 A When I make my rounds, yes.

18 Q Could inmates from one cell enter another cell?

19 A No. All the cells would be closed except the ones
20 that were taking showers.

21 Q All right, so those that were taking showers, their
22 cell doors were open.

23 A Yes.

24 Q So could one inmate from one of those cells enter
25 another cell?

- 1 A Yes.
- 2 Q Okay, did you ever observe that?
- 3 A It was frequent through the whole block.
- 4 Q Okay, is that -- is there a regulation that
- 5 prohibits such activity?
- 6 A There would be.
- 7 Q And so allowing the inmates to enter other cells,
- 8 is that something that would be prohibited?
- 9 A See, when you're dealing with A block, that's an
- 10 honor block, the rules are a little bit more relaxed.
- 11 That wasn't a common rule that was enforced.
- 12 Q And so is that by -- that's by practice but not by
- 13 procedure. The procedure would --
- 14 A By, just by practice.
- 15 Q Okay.
- 16 A That was -- yes.
- 17 Q And was that the practice on other blocks as well?
- 18 A No, not so much the other blocks, no, but it was
- 19 still -- that still existed, though.
- 20 Q Okay, so usually just on A block, on honor block.
- 21 A But it still existed in the other blocks also;
- 22 inmates would go into other inmate's cell.
- 23 Q It did, okay. And so this is a practice on more
- 24 than A block on other blocks.
- 25 A Yes.

- 1 Q And it's known among correction officers --
- 2 A Yes.
- 3 Q -- that it's occurring. Is it known among -- to
- 4 your knowledge, is it known to management?
- 5 A I believe it would be.
- 6 Q Does management have a chance to observe inmates in
- 7 other inmates' cells?
- 8 A I wouldn't be surprised.
- 9 Q Have you ever observed management touring the
- 10 galleries when inmates were in other inmates' cells?
- 11 A There, probably, would have been a few occasions.
- 12 Q Okay. Okay, let's get more generally. As part of
- 13 your duties and responsibilities as either an escort
- 14 officer to tailor shops, or the weekend A block officer,
- 15 or even in the north yard, do you ever have a chance to
- 16 write misbehavior reports?
- 17 A Frequently.
- 18 Q Frequently? How frequently?
- 19 A How often?
- 20 Q Yes.
- 21 A Um, in my case I, probably, wrote a misbehavior
- 22 every couple of months, possibly.
- 23 Q A couple of months? Typically for A block
- 24 individuals or not?
- 25 A Depending -- no, because other shops for the other

1 blocks they worked in the industry also, so I dealt
2 with -- even though I was assigned to A block, I dealt
3 with population.

4 Q Okay. Do you recall ever writing misbehavior
5 reports for 6 company, A block, 6 company inmates?

6 A No, not very often I did.

7 Q Do you recall ever writing a misbehavior report for
8 a 6 company A block inmate?

9 A Probably not.

10 Q And so, therefore, no misbehavior reports were
11 written by you for either Sweat or Matt?

12 A Most likely not.

13 Q Okay, do you -- do you know of others who wrote
14 misbehavior reports for Sweat or Matt during your --

15 A I believe Matt was locked up once, but no they
16 didn't receive misbehavior reports as most of the
17 population. And most of the men in that block rarely got
18 written up because they were well behaved.

19 Q Okay. What about cell searches or cell frisks?
20 What is the proper term? Shall I call it a cell search or
21 a cell frisk?

22 A A cell search.

23 Q Cell search. Did you ever conduct cell searches
24 during this eight-year period in A block and as an escort?

25 A No, I was not assigned to that.

1 Q So never, you never conducted a cell --
2 A No.
3 Q -- search? Did you ever observe a cell search
4 being conducted on A block during this period?
5 A No, because -- no.
6 Q Okay, and is that because they're typically
7 conducted during the week?
8 A Yes.
9 Q Okay, and so your time on A block would be during
10 the weekends.
11 A Yes.
12 Q Okay. Do you know anything about the amount of
13 contraband that was found on A block, say, during the last
14 year in these searches?
15 A No, not really.
16 Q Okay. On the weekends is something conducted
17 called a razor exchange, cell inspection, catwalk
18 inspection?
19 A Yes.
20 Q And what exactly is that?
21 A You exchange the razors.
22 Q Um-hum.
23 A Razor for razor. You visually look at their cell
24 from the outside, and then you're to go down the catwalk
25 and look through the catwalk.

1 Q Okay, do you conduct these? Let's just call them
2 razor exchange, cell inspections for now. Did you conduct
3 those?

4 A The visual of the cell and the razor exchange, yes.

5 Q Okay, did other correction officers conduct these
6 on A block during your period?

7 A Each company officer was assigned to that.

8 Q Okay. Did you -- did you sign a form when you
9 completed this razor exchange?

10 A Yes.

11 Q And did that form have attestations saying I picked
12 up a razor and gave a razor back?

13 A I'm not sure they phrased it that way, but that was
14 pretty much, I believe, yeah.

15 Q Okay. Were you required to do an inspection of the
16 cell at that time also?

17 A Visually from outside the cell. You didn't go in
18 the cell.

19 Q Okay, briefly describe that.

20 A Yes.

21 Q How long did that take?

22 A You stand out to -- it took, probably, five
23 minutes, if that. We just visually looked at the cell to
24 make sure the clothing wasn't where it was supposed to be
25 and nothing was on the bars.

1 Q Okay, so you're looking mostly for the clothing and
2 the bars and --

3 A That's it.

4 Q Okay. Was the -- did the razor exchange form also
5 require that an inspection of the cell from the catwalks
6 was done?

7 A Yes.

8 Q And was that done?

9 A No.

10 Q Was it done by other officers that you -- with your
11 observations?

12 A Not that I'm aware of.

13 Q And this is long standing that the --

14 A Due to poor lighting and lack of flashlights by the
15 administration, that was a deterrent not to go down the
16 catwalk.

17 Q Okay, in your eight years on A block do you ever
18 recall conducting a razor exchange, cell inspection,
19 catwalk inspection?

20 A Those forms have changed over time.

21 Q Okay.

22 A I believe when they first came out, they didn't
23 have the catwalks stated in that form.

24 Q Okay, do you know when the catwalks --

25 A No.

- 1 Q -- were added to the form?
- 2 A No, I don't.
- 3 Q Do you recall ever conducting a -- ever observing
- 4 other correction officers conducting a catwalk inspection
- 5 of the cells?
- 6 A No.
- 7 Q No. Do you know if management was aware that no
- 8 such inspection from the catwalks --
- 9 A I'm not sure if they were aware of that, but they
- 10 are aware of the lack of equipment supplied to perform
- 11 that task, but due to budgets they didn't purchase those
- 12 items.
- 13 Q And how were they made aware of the lack of
- 14 equipment?
- 15 A There were work orders that were submitted.
- 16 Q By who to who?
- 17 A The first officer.
- 18 Q And who were they submitted to?
- 19 A They generally went to light, heat and power, and
- 20 then their staff would review it, and upstairs would
- 21 review it, and then it would be declined.
- 22 Q And these work orders were requesting what?
- 23 A Light bulbs and flashlights.
- 24 Q Okay, so is it your statement that cell inspections
- 25 from the catwalk were not conducted in part because of the

1 lighting quality?

2 A That is correct.

3 Q Okay. Other than these work orders to light, heat
4 and power, did you ever bring this to -- did you ever
5 bring this to the attention of your superiors?

6 A The first officer would have addressed that;
7 although, they were aware of the poor lighting, but their
8 hands were tied also.

9 Q Do you know if the first officer in fact did
10 address that?

11 A Yes.

12 Q And to whose attention did he bring this?

13 A Light, heat, power and the area sergeant.

14 Q Okay, and who would the area sergeant be?

15 A Over the years it was numerous individuals.

16 Q Who's the area sergeant of the last six months?
17 Strike that. The area sergeant from January 1 to June 5.

18 A That might be [REDACTED], possibly.

19 Q And so the condition of the catwalks and the poor
20 lighting was brought to his attention?

21 A I believe it was, by the first officer.

22 Q Okay, and you believe this why?

23 A It had been discussed before, that the lighting
24 wasn't proper.

25 Q Okay. Can you please name the coworkers, your

1 fellow employees on A block during the period January 1,
2 2015 to June 5, 2015?

3 A Teddy Sweet, Scott Giguere, Al Trombley, then you
4 had [REDACTED] was the first officer, and the second
5 officer -- I can't draw up his name. And then you had --
6 what the hell's his name? -- [REDACTED]. I can't recall his
7 last name.

8 Q And what was his title?

9 A He had one, a CO. They were all COs.

10 Q Okay.

11 A [REDACTED].

12 Q [REDACTED]?

13 A [REDACTED].

14 Q As in [REDACTED]?

15 A Yes, I believe, yes.

16 Q Any others?

17 A You have relief officers too. It's documented,
18 though. You can go to charts and get all those names up.

19 Q Okay, what about [REDACTED]?

20 A [REDACTED], that is correct. He had 89 before
21 Teddy Sweet had it, yes. [REDACTED] worked on the block
22 too.

23 Q When you say 89 you're referring to a radio call
24 number?

25 A Yes.

- 1 Q Okay, and [REDACTED]?
- 2 A Yes. [REDACTED] was prior. When he had bid out,
3 then [REDACTED] bid the job, then [REDACTED] bid out, and then
4 Teddy Sweet bid the job.
- 5 Q Was [REDACTED] present on A block in 2015?
- 6 A No.
- 7 Q Prior to that.
- 8 A Prior to that.
- 9 Q How much prior?
- 10 A Maybe a year prior to that.
- 11 Q Okay.
- 12 A That's a guess.
- 13 Q Okay.
- 14 A But the paperwork documents that.
- 15 Q Sure. [REDACTED]?
- 16 A Yes. There you go. He would have the relief for 3
17 company when Allen Trombley wasn't there.
- 18 Q Okay, and 3 company backs up 6 company.
- 19 A Yes.
- 20 Q Upper tier.
- 21 A Yes.
- 22 Q [REDACTED]
- 23 A Yes, he would have been the second officer.
- 24 Q Okay, and Mary Lamar.
- 25 A At times she was miscellaneous, so she had

1 different jobs through the week.

2 Q But on times she would work in A block.

3 A On a few occasions.

4 Q Okay, and she would work on 6 company on occasion?

5 A She had 89, and generally the job that she wouldn't
6 have.

7 Q Okay.

8 A She worked in A block.

9 Q Okay.

10 A Or first man or second man, she had those tasks
11 also.

12 Q Do you ever recall any of the individuals that
13 we've just spoken about ever conducting the cell
14 inspection from the catwalk during, say, 2015?

15 A They perform the razor and the cell inspection, I
16 know they did that.

17 Q But the cell inspection from the catwalks?

18 A No.

19 Q No.

20 A I never observed them do that.

21 Q And in 2014 --

22 A No.

23 Q -- the same? Okay.

24 [REDACTED] Do you have any further
25 questions?

1 BY [REDACTED]

2 Q Just, was management aware that you and Mary Lamar
3 were in any relationship at that time?

4 A Yes, I would -- well, I assume they would.

5 Q You assume, but you don't know absolutely.

6 A No, but it was common knowledge so much, they
7 would -- should know that information.

8 Q Your coworkers knew that, the ones we listed, Scott
9 Giguere, Allen --

10 A Yes.

11 Q -- Trombley. And would she sometimes be assigned
12 the same shift as you on the --

13 A Yes.

14 Q -- weekends? Going back to the razor inspections,
15 is it fair to say that in all the times that you did the
16 razor check and the cell check that you never went back
17 into the catwalks at any point?

18 A For cell inspections, no.

19 Q Correct? Yet, it's also fair to say that you
20 signed the forms saying that you had done that --

21 A Yes.

22 Q -- and completed that. Okay.

23 [REDACTED] That's my main on that.

24 [REDACTED] Okay, any other
25 questions?

1 BY [REDACTED]

2 Q I have one quick question. You stated earlier that
3 all inmates' movement went through B corridor? Or, I'm
4 sorry, they went through A, B and C corridor to go back to
5 their blocks, is that correct?

6 A No.

7 Q Okay, after -- did they all go through B block?

8 A At the end of the -- at 2:00 and at 3:00, they
9 would have to go through B block, but the [REDACTED]

10 [REDACTED]
11 [REDACTED] you could do that
12 because you didn't have to go through the B block
13 corridor, because the time involved to frisk everybody
14 shut down industry. You shut down industry then clothes
15 aren't being made, and once clothes aren't being made, the
16 other jails aren't receiving their clothing, grievances
17 are filed so there's pressure from building 2 to keep this
18 place up and running. So if you wanted to follow the
19 letter of the rule, that wasn't going to happen. Someone
20 would complain about it, make this happen and make it work
21 and cross your fingers and nothing goes wrong.

22 Q So is it fair to say that regularly, as far as
23 inmate movement from tailor to the blocks and to chow,
24 that the directives were not followed?

25 A Correct.

1 Q And this is more of a hypothetical, but if an

2 [REDACTED]

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 Q And how would you do that?

7 A [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 Q But to get -- if you wanted to go to the infirmary
20 from the tailor shops, it's your testimony you went
21 through two magnetometers?

22 A Yes.

23 Q Even if you were unescorted?

24 A Well, let's clarify something here real quick.

25 [REDACTED]

1 [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Q And that call was made by -- determined by the
12 officer?

13 A Yes, but it was standard policy that you would run
14 him through the C block, while the top of the hospital
15 metal detector, before you brought him into the hospital

16 [REDACTED]

17 Q And is that magnetometer manned by a separate
18 officer?

19 A Yes.

20 Q Or the escort officer that does that.

21 A Separate officer.

22 Q Okay, thank you.

23 BY [REDACTED]

24 Q I just have two follow-up questions. Correct me if
25 I'm wrong. Did you say that the B corridor magnetometer

1 is manned during the entire shift?

2 A Yes.

3 Q The 7 to 3 shift?

4 A [REDACTED]

5 [REDACTED]

6 A [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q Okay, and despite the fact that it does not appear
18 that the B corridor magnetometer is used often during the
19 day, you said it is manned --

20 A [REDACTED]

21 Q And what does that individual do during that time
22 if inmates are not being constantly passed through the
23 magnetometer?

24 A Any inmate that was passed through that, he would
25 run them through that magnetic scan.

1 Q But if I understand you correctly, most -- there's
2 very little traffic during that time or --

3 A [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] but chow was done almost
7 by 8:00, so everybody coming out of the jail went right
8 through there, and they didn't have to walk because you
9 walked around it. At noontime you -- there was so many
10 inmates, you walked around through it. You walked around
11 it. Sometimes they would run through it depending on our
12 schedule. If we were running late, if they had levels
13 that jumped off and the jail was backed up, then it was a
14 matter of get them in and get them out. And then at 2:00
15 you would have a go-back. Now, they would run through the
16 metal detector. They would hold those guys up, and they
17 would, but they had, at that point, you would bring down
18 the bath house officers, which is about seven guys,
19 because when this chow thing's running here -- let me give
20 you a clear head here. When noon chow's running, that's
21 only manned by one officer. Now you're telling me that
22 one officer is going to frisk 200 guys by himself? Now,
23 when the metal detector goes off, you stop, everybody
24 stops. Technically, per directive, everybody stops. Now
25 you pat that guy down on the wall. Per directive, it

1 takes five minutes to pat an inmate down. So now movement
2 has stopped, and every one of them guys, there's some of
3 them that are going to ring, whether they have bullets in
4 their back, or forgot that they had a lighter on them,
5 whatever, everything's got to stop, because that one
6 officer can't pat that inmate down and still watch that
7 mat (phonetic) while the inmates are flowing through. So
8 now you just slowed the jail down, and now you stopped
9 core craft from producing products.

10 Q Okay, but just to clarify this, inmates -- which
11 inmates that are passing through B corridor are going
12 regularly through the magnetometer other than the end of
13 day?

14 A When there was no mass movement, anybody that had a
15 pass would go through B block, and they would run through
16 the metal detector.

17 Q Okay, so those with a pass would run through the
18 metal --

19 A Yes.

20 Q -- detector. Any others regularly?

21 A Light, heat and power because your only major
22 movements was breakfast, noon chow, 2:00, go back to the
23 2:30 closing up the shops or whatever the time frame it
24 was. Those are your four major movements. Anybody else,
25 then that officer was able to frisk each inmate and detain

1 any movement when somebody rang the magnetometer.

2 Q When light, heat and power employees -- not
3 employees. When light, heat and power inmates pass by B
4 corridor, they always went through the magnetometer.

5 A Yes.

6 Q Did they often have a tool box with them?

7 A Yes.

8 Q And so what would happen to that tool box?

9 A The tool box was locked. It had a security lock on
10 it, and it was placed on the table. The inmate would walk
11 through, and then he would grab the tool box and continue
12 on.

13 Q So at no time was that tool box unlocked and
14 inventoried during that pass.

15 A No.

16 Q Who would ultimately unlock that tool box?

17 A Whatever destination he was going to. Let's say he
18 was going to upper H block to get something on the
19 catwalk. Once he got to the block, then the first officer
20 would open the tool box and inventory the tools, and then
21 the inmate would perform his task, whatever they -- the
22 work order required him to do.

23 Q And from your observations did that in fact occur,
24 the inventory of the tools?

25 A Yes.

1 Q Okay. On another note you mentioned -- we talked
2 about the catwalk before and about how the first officer
3 you believe -- I think you said the first officer brought
4 that to the attention of management. Who particularly
5 would be management?

6 A The executive team.

7 Q And who -- who would that -- who did that include?

8 A It was -- it was my understanding that [REDACTED]
9 [REDACTED] oversaw the purchase of those products, whether it
10 was toilet paper, light bulbs in the cells that we could
11 never get either, but she was under restriction to stay
12 within the budget.

13 Q Is it correct to say, though, that the first man
14 notified [REDACTED]?

15 A No.

16 Q No. So I'm sorry, explain this. Who in management
17 was notified?

18 A They would be notified through light, heat and
19 power when those work orders were submitted. When you
20 wanted light bulbs replaced, for example, you submitted
21 your paperwork to those people, and then those people sent
22 it up through the chain of command.

23 Q Okay, let me just get this straight. So there's a
24 form called a --

25 A Work order.

1 Q -- razor -- well, no, before we get to that,
2 there's a razor exchange, cell inspection, catwalk
3 inspection form, is that correct?

4 A Yes.

5 Q And it requires you to sign off to say I, in fact,
6 exchanged the razor, inspected the catwalk -- I'm sorry,
7 inspected the cell and inspected the cell from the vantage
8 point of the catwalk, is that correct?

9 A Yes.

10 Q And the cell inspection from the catwalk was not in
11 fact occurring, is that correct?

12 A I never performed that task.

13 Q And you didn't see others perform that --

14 A No.

15 Q -- task. And so other than the work order to
16 light, heat and power to get better light bulbs, did
17 anyone ever say to your superiors, or did you ever say to
18 your superiors, I'm signing this form, it says I just did
19 something, and in fact I didn't?

20 A I never phrased it to the supervisor in that way.

21 Q Did you phrase it to the supervisor in any way?

22 A No. It was an accepted defeat by management that
23 that was not going to happen, so therefore just go along
24 with your duties.

25 Q Do you know if others brought that to somebody in

1 management or the executive team's attention? And we're
2 not talking about light, heat and power.

3 A Not that I witnessed, but I would imagine it had.

4 Q But you have no direct knowledge of that.

5 A No.

6 Q Okay. Anything else on this?

7 BY [REDACTED]

8 Q Just a couple of brief ones. You had access
9 directly to Racette and LaValley, didn't you?

10 A Yes.

11 Q Did you ever bring this information about, you
12 know, we're not getting enough lighting, we're not getting
13 enough flashlights to them when you would speak to them
14 directly?

15 A No.

16 Q Regarding the razor checks, you never talked to
17 them about not going back on the catwalks.

18 A No.

19 Q Regarding the obvious security risks around chow
20 time that we previously discussed, did you ever bring that
21 obvious security concern to the attention of Racette or
22 Quinn at any point, or Pat Brown --

23 A Past management?

24 Q Or past management -- or LaValley?

25 A No.

1 Q Were you ever prevented from going to them and
2 speaking about these concerns?

3 A No.

4 Q At one point you had testified about when there
5 would be a large back-up, and I believe you were talking
6 about the B block frisker, that there would be times they
7 just allowed inmates to move past, to go around it?

8 A Yes.

9 Q Is that correct? Who would authorize that? Who
10 made the determination to let them bypass that?

11 A Any intelligent officer at the area that was
12 present, because you knew if A block and C block were wide
13 open, why would you want to shut down B block corridor to
14 delay? If management wasn't concerned about the breach in
15 A and C block, then why would you cause a problem to --

16 Q Could there be -- was there an attempt even for a
17 radio call to A and C and say we're going to move people
18 through other blocks or we're going to be moving people
19 around?

20 A No.

21 Q So the COs back at tailor shop wouldn't know for
22 sure that people had voided the friskers.

23 A Through B block those officers would.

24 Q But people back -- people in other parts of the
25 jail would not know that, the COs.

- 1 A They wouldn't see it, no.
- 2 Q But there was no notification of that, that you
- 3 purposely -- personally saw or witnessed, that there would
- 4 be notification that we had to move people around the
- 5 friskers. You had to move inmates --
- 6 A There would be no notification.
- 7 Q Did this happen daily, or was it an occasional
- 8 event?
- 9 A Five days a week.
- 10 Q The moving of people around the magnetometer?
- 11 A No. Depending on what was going on in the jail,
- 12 how things were running, whether we're backed up from
- 13 levels, whether there was blood in the hallway, any reason
- 14 could justify moving them around that to keep it moving.
- 15 Q But it didn't require -- or did it require a
- 16 sergeant or lieutenant to authorize that movement around
- 17 the magnetometers?
- 18 A Technically, you might, but common sense would tell
- 19 you that any seasoned officer when he consents to things,
- 20 getting ready to hit the fan, let's correct this and move
- 21 it, move it along.
- 22 Q So you're aware of times that COs, at the CO level
- 23 they would authorize the movement without going to a
- 24 supervisor --
- 25 A Yes.

1 Q -- like sergeants or lieutenants. Okay. What
2 would your recommendations be for movements around chow
3 and concerning the B block frisker?

4 A Let's just say that we had a fight jump off,
5 quickly had a little fight. Move them, get them out of
6 the hallway, get them out of this area now, avoid the
7 metal detector, get them in another area, and then we'll
8 secure it.

9 Q But even absent an event like that, an event where
10 there was an injury where somebody got stabbed, what would
11 you recommend to make it safer for all the employees?

12 A When the one officer was in B block for noon chow,
13 the response, well, frisk all the inmates. Now you've got
14 a hundred guys standing on the steps there mingling
15 amongst themselves, and you can tell that their tempers
16 are starting to flare because maybe it's too hot out,
17 maybe it's too cold out, well, let's move these guys
18 because we're going to have a problem.

19 [REDACTED] Well, [REDACTED], you're talking
20 about --

21 [REDACTED] You're talking about
22 now.

23 Q If you were a superintendent, how would you -- how
24 would you outline or how would you alter the current
25 movement out of the tailor shops, back and forth to the

1 tailor shops through the blocks?

2 A I would hire more staff.

3 Q But would you -- any other suggestions? I mean you
4 were right in the middle of it most days.

5 A The issue was lack of staff.

6 Q Would you put more friskers up?

7 A If the budget allowed it.

8 Q Would you change any patterns of exiting or
9 entering the tailor shop?

10 A No. Those were smooth. That was the best way you
11 could do it, because you had two mess halls, east side,
12 west side, and there was just too many men to move, so you
13 had to use all three corridors to make that movement in a
14 timely fashion.

15 Q I note you had mentioned at one point you could
16 move a canon out of the shops. What did you mean by that?

17 A Well, that's just an example of the term
18 "contraband." We can phrase that as contraband.

19 Q So any kind of contraband, it was easy to move.
20 Your testimony is that any kind of contraband from the
21 tailor shops, or any of the shops, could be moved quite
22 easily back into the blocks?

23 A Yes.

24 Q And the inmates were aware of that.

25 A Yes.

1 Q And reverse it. Items could be brought from the --
2 from the blocks back into the tailor shops, is that fair
3 to say?

4 A Yes.

5 Q Contraband? When you would bring inmates as part
6 of your duties as an escort officer from the tailor shop
7 back to the blocks, did you have to go through
8 magnetometers?

9 A Not I, but the inmate would.

10 Q Would you always bring the inmates through a
11 magnetometer to get back to any of the blocks?

12 A Yes.

13 Q Every time.

14 A No, not every time.

15 Q And would you sometimes walk them around the
16 friskers?

17 A Depending on what was going on, the time involved
18 and what other duties I had going on. If I had like a
19 keeplock escort, let's get this done quickly so I can go
20 to this area and get this accomplished.

21 BY [REDACTED]

22 Q I have one quick question, Mr. Palmer. You said
23 earlier that any intelligent officers would know to move
24 the inmates through the A and C corridor if a fight broke
25 out in B block?

1 A No. I believe the question was in B blocks --
2 well, in any corridor, when a fight would break out or a
3 situation would come up, or a level was called, maybe the
4 level was called elsewhere in the jail, sometimes moving
5 the inmates to a different corridor would be better.
6 Let's just say you had a fight in B block itself, and you
7 had B block corridor lined up with inmates, you would want
8 to get them out of that area. You wouldn't want them to
9 meddle. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A Yes.

17 Q [REDACTED]

18 A Yes.

19 Q [REDACTED]

20 [REDACTED]

21 A Yes.

22 Q Okay, have you seen that happen?

23 A Probably wasn't aware that that's what took place,
24 but logically it could be exercised.

1 BY [REDACTED]

2 Q I have a question. Is this the policy? Is it in
3 your in your facility operations manual that you run them
4 through the magnetometer at lunch?

5 A Through B block corridor?

6 Q Yes.

7 A Through B block corridor.

8 Q It is the policy that everyone is supposed to go
9 through the magnetometer --

10 A I can't confirm. I can't confirm that that's the
11 policy.

12 Q Every day when the inmates are called out of the
13 tailor shop to the mess hall, do the same ones go through
14 A and the same ones go through C?

15 A Yes.

16 Q So they know ahead of time --

17 A Yes.

18 Q -- that they're not going to go through the mag?

19 A Specific corridors that they'll go through each day
20 just like clock work.

21 Q So everybody knows that they're not going to go
22 through the --

23 A That's correct.

24 Q -- magnetometer, okay, unless they go through B.

25 A Yes.

1 Q All right.

2 BY [REDACTED]

3 Q Is there a -- sorry. Is there a magnetometer in

4 the basement of industry at light, heat and power?

5 A Yes.

6 Q And is it a functioning --

7 A Yes.

8 Q -- magnetometer? Is it always used from your

9 observations?

10 A Yes.

11 Q So inmates arriving or departing use that.

12 A Yes.

13 Q Yes being both?

14 A Yes. There's no way you can't. You have to walk

15 through that. Even the employee has to walk it. It's

16 just put in front of the door so you have to walk through

17 it.

18 BY [REDACTED]

19 Q It's put in there in such a way that you can't get

20 around it, correct?

21 A Correct.

22 BY [REDACTED]

23 Q Do you know if it's properly calibrated to -- from

24 your observation, is it picking up items? Did it ever

25 ring?

1 A Oh yes. Whether it's properly calibrated, I'm
2 not --

3 Q Sure.

4 A -- privileged to that.

5 Q Understand. Did you ever observe inmates not going
6 through -- I shouldn't say not going through. Did you
7 ever observe inmates going through it, although it was not
8 on?

9 A That was always on.

10 Q Always.

11 A Always.

12 Q Okay, so you never observed inmates going through
13 it when it was not on.

14 A It was always on. They never turned that off.

15 Q Okay.

16 [REDACTED] Good?

17 Q New topic. General description of your observation
18 in association with Joyce Mitchell. When did it -- when
19 did you first find out about Joyce Mitchell?

20 A When I started my escort job eight years ago.

21 Q Okay, and where was Joyce at that time?

22 A That, I'm vague with. I'm not sure if she was
23 present when I started working eight years ago, but over
24 time I had knew her.

25 Q Where did you first find her assigned? What's your

1 first recollection of where she was assigned?

2 A Maybe tailor 2, but that may be incorrect, but the
3 paperwork would reflect her assignment.

4 Q Okay. Do you ever recall her being assigned as a
5 relief, a floater?

6 A Yes.

7 Q Okay.

8 A Yes.

9 Q And can you describe where a relief or a floater
10 would go?

11 A Of all of the nine tailor shops, whoever called in
12 sick or whatever reason, absentee, she would fill that
13 duties for the eight hours.

14 Q Okay. Do you recall seeing her in tailor 1, 2, 3?
15 Do you have any particular recollection?

16 A We can say yes to that.

17 Q Okay, 4, 5, 6, 7, 8?

18 A Yes, we can -- I can't confirm that out of memory,
19 but logically that would be her title back then or her
20 duties as a floater.

21 Q Okay. Do you recall her being assigned to APPU?

22 A Yes, that rings a bell.

23 Q Was that one of her earlier assignments?

24 A I think so, but I didn't -- I wasn't involved with
25 APPU. That was a different part of the facility.

1 Q Okay, so you have no observations, specific
2 observations of Joyce working in APPU.

3 A Correct.

4 Q Okay, so your observations of Joyce would take
5 place in the tailor shops.

6 A Yes.

7 Q Can you generally describe Joyce, her interaction
8 with inmates?

9 A She was friendly.

10 Q Did she maintain the same degree of friendship over
11 the years? Did it ebb or --

12 A Yes.

13 Q -- flow?

14 A She was consistent with that.

15 Q Okay, how friendly?

16 A She communicated with them and talked, whether they
17 laughed, they would laugh.

18 Q Is that typical of other floaters and relief --

19 A Yes.

20 Q -- civilians?

21 A Yes.

22 Q Do you have any specific observations of Joyce in
23 the tailor shops that were beyond that of just regular
24 friendly?

25 A No, only that her dress code had changed at the

1 very end prior to the escape, I observed that.

2 Q When you say "the very end prior to the escape,"
3 can you be more specific?

4 A I believe within the last two weeks I noticed that
5 she was wearing a low cleavage dress top.

6 Q So the last week of May or the first week of June,
7 would that be fair?

8 A Yes.

9 Q Okay, and that was the first time that you had
10 noticed Joyce wearing --

11 A Her dress code of the other individuals that I
12 observed.

13 Q I'm sorry, could you repeat that?

14 A Of the six individuals that I observed their dress
15 codes being improper, yes.

16 Q Okay, so you're saying that Joyce's dress code at
17 this time was improper.

18 A I felt it was.

19 Q And you're also saying that there was a number of
20 other civilians?

21 A Five.

22 Q Whose dress code was improper.

23 A Correct.

24 Q Okay, and who were -- who are -- who were those
25 civilians? Who are those civilians?

1 A Well, it starts off with [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]. But
5 she walked into the mess hall, the west mess hall one
6 particular time, and staff was shocked at her dress code.
7 Every inmate could clearly see that it was improper. And
8 I complained about it to supervisors, and it was while
9 she's executive team. We can't do anything about that.

10 And then there was a lady in tailor 2. I can't
11 think of her name, but when I first -- when I first came
12 on eight years ago, I had told her that I believed that
13 her dress code, her pants were too tight, that she should
14 dress down. And I spoke to some other people about it,
15 but here's what happens. That directive, everybody I
16 complained to, which I can go into detail, when I reach
17 management, well, we've had sensitivity training, Gene,
18 and you may offend somebody, so we don't want to say
19 nothing because of the lawsuits that this is going to
20 generate. So now when the lady in tailor 4's dress code
21 was inappropriate, I complained. I didn't complain, but I
22 spoke with her, and she became offended and said, I take
23 care of my body, stay in shape or whatever, and she was
24 proud of that, but she was new, so she didn't understand
25 that, that it was arousing the convicts.

1 And then we had [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED], and everybody complained about that, but she
4 ended up flipping the script, and she wrote up over 20
5 staff members. She even wrote up Captain Lucia who had
6 gone upstairs to make a round, but this was all in
7 preparation for a lawsuit on her behalf. So [REDACTED]
8 knew about it. [REDACTED] knew about it. They even
9 brought in [REDACTED] to take over [REDACTED] to fix
10 this problem.

11 And one day [REDACTED], now she wore these spiked
12 heels, tight pants. The cleavage, the groin area was
13 quite descriptive. So [REDACTED], he was the print shop
14 officer, he had observed her actions with this laced top.
15 He complained, and everybody went off the handle. All of
16 the employees were pissed. So they brought her up front.
17 Brought her right in [REDACTED] office, but before she
18 goes in the office she puts on a little coat, and she
19 walks in, and he looks at her and says, Oh, you're good to
20 go to work. Have a nice day. See you later. So now when
21 it comes to Joyce Mitchell because it was common -- I
22 understood it as just let it go. Don't say nothing, just
23 let it go, because we're not going to do nothing about it,
24 especially the way the directive reads. We fall back to
25 sensitivity training. If I offend somebody, then I'm in

1 trouble, or the supervisor offends her, or whatever, we
2 got problems, so it was common, just let it go.

3 So now when Joyce Mitchell's dress code shows up
4 that that's inappropriate, I know what happens, not to
5 take anymore.

6 Q So --

7 A To handle it on my own.

8 Q Okay, so you observed a number of Clinton staff
9 members who were dressed, in your opinion,
10 inappropriately.

11 A Correct.

12 Q You referred it to management.

13 A Yes.

14 Q Who particularly did you refer it to?

15 A Whether it be the local sergeant, dep of security,
16 the Superintendent LaValley.

17 Q Dep of Security Brown?

18 A Yes.

19 Q Okay.

20 A And local -- other, Scott Scholl's. Now, like when
21 I spoke to Scott Scholl's, who's head of industry, about
22 the lady in tailor 4, he -- and I understood what he was
23 saying. I can't -- I said, All you got to do is have them
24 wear a smock, wear a coat, and we're good to go. You can
25 wear whatever you want under the smock, whether it's

1 clothing or not, but he couldn't legally make them. I can
2 offer the smock, but I can't legally make them wear the
3 smock which probably is truthful.

4 Q So in late May 2015, when you observed Joyce
5 Mitchell dressing, showing cleavage, did you bring it to
6 anybody's attention?

7 A No.

8 Q Okay. Do you know if others talked to you about
9 Joyce's cleavage at that time?

10 A No.

11 Q So no one else had the same observation that you
12 had or talked to you about it?

13 A Mary knew about it, Officer Lamar, Mary. I believe
14 she was aware of it.

15 Q Okay, any others?

16 A I believe the shop sergeant was aware that all saw
17 it at the last moment, two weeks before, prior.

18 Q Who is the shop sergeant?

19 A That, I'm not going to share -- I'm sure who it
20 was. [REDACTED], possibly.

21 Q First name?

22 A You would have to run that through me, but it's
23 documented what his name is.

24 Q How do you know [REDACTED] was aware that Joyce
25 was --

1 A Well, I believe he was when we brought it -- when I
2 brought it up to him. I don't know that Mary had, but I
3 had.

4 Q Okay, so you told [REDACTED] that Joyce was
5 dressing inappropriately.

6 A No. Take that back. No, I did not. I think
7 Mrs. Lamar did, in passing, but she was still aware of the
8 outcome of what that avenue took.

9 Q Okay, so Mary Lamar, possibly two weeks prior to
10 the escape advised [REDACTED] that Joyce Mitchell was
11 dressing inappropriately.

12 A I believe so.

13 Q And do you know if any action was taken?

14 A No.

15 Q Do you know if [REDACTED] -- [REDACTED] said he
16 would do anything with his information?

17 A No.

18 Q Do you know who the -- do you believe -- do you
19 know who might have been the object of Joyce's affection
20 or --

21 A Not at that time.

22 Q -- dress?

23 A But now.

24 Q At that time you did not.

25 A No.

1 Q Okay. Did you -- did you see Joyce Mitchell
2 socially?

3 A No.

4 Q Outside the facility.

5 A No.

6 Q Never.

7 A Never.

8 Q Have you ever been to her house?

9 A No.

10 Q Did you interact with Lyle Mitchell, her husband?

11 A Not on the street.

12 Q So solely within the facility.

13 A Yes.

14 Q Did you have either Lyle or Joyce Mitchell's
15 telephone number stored on your cell phone?

16 A No.

17 Q Did you call them?

18 A No.

19 Q Within the facility, what type of interactions on a
20 regular basis would you have with Joyce? And I know we're
21 talking about eight years, it's a long time, but let's
22 focus largely on the last year and a half.

23 A Well, prior to the -- prior to the escape taking
24 place, she started stopping by the block, and she would
25 bake cookies, and she would come in the block and start

1 offering cookies.

2 Q To you or to others?

3 A To all of us. To all of us, but that went on for a
4 while. Now, looking back, I can see what was going on.

5 Q When you say "a while," how long is a while?

6 A I don't know if that took place for a year, but I
7 would think not more than a year that she started baking
8 cookies.

9 Q So, maybe, about mid 2014 Joyce started making
10 cookies and bringing them into you and --

11 A I could say that. I could -- that would be fair.

12 Q Okay, and what type of a relationship developed
13 between you and Joyce after she started bringing cookies?
14 Did you -- were you friends?

15 A I was friends with everybody.

16 Q Were you friends with Joyce?

17 A Yes.

18 Q What did you refer to her as?

19 A Tilly, but that was her nickname. Everybody
20 referred to her as Tilly.

21 Q Okay, but you regularly called her Tilly.

22 A Yes.

23 Q And how -- how often would you speak with Joyce?

24 A Well, through the five days, probably at least
25 twice a day when I make my rounds.

1 Q And how long would you speak with Joyce on these
2 occasions?

3 A I would stay in the shop five minutes, talk to the
4 officer and talk to her, ask about, and was there any
5 problems with any of the inmates? And then they would
6 brief me on if there were any troublemakers, and then I
7 would move on.

8 Q So the subject of your conversation, the topic of
9 your conversation was typically looking for inmates that
10 were causing trouble.

11 A Yes.

12 Q Were there any -- did you have any personal
13 discussions with her?

14 A No.

15 Q Did you know anything about her relationship with
16 Lyle?

17 A No.

18 Q Did you know anything her relationship with
19 inmates?

20 A No, just that she was friendly.

21 Q Um-hum.

22 A But all the other women were friendly too. They
23 spoke -- because you couldn't function because, as an
24 instructor of the position that she had, just as the other
25 women, you had to communicate with the inmates. So if

1 laughter came from the conversation, then so be it. It
2 wasn't looked down on. You had to interact with the
3 individual. That's just the way it has to be to be
4 productive.

5 Q Did Joyce Mitchell advocate for any particular
6 inmates?

7 A Well, now, here, when Allen Trombley bid out of
8 that shop and [REDACTED], who was in tailor 2, he got the bid,
9 and this is when things started coming together. Now when
10 I look back, I can see things.

11 Q Can I just interrupt you for a second? So we're
12 talking about the first week of June 2015 is when [REDACTED]
13 arrives on the scene --

14 A Yes.

15 Q -- in the tailor shops.

16 A And before he is awarded the bid, she was aware of
17 him. And he ran a good shop. We never had trouble in his
18 shop, but we never had -- but she come and approached me,
19 and she got right in my face and goes, You've got to go
20 talk to him. She -- you know?

21 Q And "him" means [REDACTED].

22 A To try to talk him out of coming to the shop
23 because he's going to lock Matt up.

24 Q Explain that. [REDACTED] is going to, quote,
25 lock Matt up. Why?

1 A Yes, he's going to lock Matt up, and so --

2 Q Why is that?

3 A I don't know why she felt that way. She didn't say
4 why she thought he was going to lock him up.

5 BY [REDACTED]

6 Q She used those specific words? She's going to --

7 A Yes.

8 Q -- lock Matt up?

9 A I'm pretty sure that's how she had said it. And so
10 I said I'll talk to him, but I never did talk to him
11 because he ran a good block. There was no reason to. You
12 know, whoever he wanted to lock up in the shop, that was
13 his -- that's his area, not my area.

14 Q Did Joyce say why she was concerned about Matt?

15 A No, she never did say anything about that.

16 Q Did you ask her: Joyce, what are you talking
17 about?

18 A No, but one thing Matt would do is that he would --
19 each shop, there were inmates that would tell me stuff. I
20 had inmates through the facility that would give me
21 information, and he happened to be in that shop. I don't
22 know that he ran the shop, because each shop you have an
23 inmate that controls the shop, if you want to call it a
24 gang or however. If things -- they can shut down
25 production just by nodding his head, and the whole shop

1 will come to a stop, whether they're pissed off at
2 something. But Matt, I believe, he knew who the players
3 were, just as the inmates in other shops did. So he did
4 have value, as in passing on information of inmates that
5 would, may cause trouble in the future. As each shop, I
6 had my informants.

7 Q So Matt, you're saying, I believe, was running
8 tailor shop 1.

9 A I don't know that he had the authority to shut the
10 shop down or slow it down, but he would give me heads up,
11 or he would tell Tilly or tell Al Trombley who he
12 perceived as future troublemakers in the shop.

13 Q So Matt was an informant.

14 A Yes, you could -- yes, that's correct.

15 Q And so when Mitchell, Joyce Mitchell came to you
16 and said you've got to do something about [REDACTED]
17 because he's going to lock Matt up, you didn't question
18 her and say why?

19 A No.

20 Q What did you tell her?

21 A I said I'll talk to [REDACTED] about it, but I didn't go
22 speak to him because he never had a problem in his shop,
23 and Matt never caused me trouble in their shop, so I
24 didn't see or understand why he would go lock him up
25 because Matt walked, pretty much, a straight line.

1 Q Did Joyce Mitchell ever talk about Matt in other
2 situations?

3 A He had done a painting for her.

4 Q Okay.

5 A He had done a painting for her.

6 Q And anything else? Did she ever refer to Matt?
7 Did she ever request anything from Matt?

8 A Not that I'm aware of.

9 Q Did she ever ask you for assistance in dealing with
10 Matt?

11 A No.

12 Q And did Joyce Mitchell ever advocate for Mr. Sweat?

13 A No.

14 Q Did she ever ask you for assistance in dealing with
15 Sweat?

16 A No.

17 Q In giving things to Sweat?

18 A No.

19 Q Did she ever advocate for any other inmates? Any
20 inmates --

21 A No.

22 Q -- come to mind? [REDACTED]

23 A No.

24 Q No. So just the one time she speaks about an
25 inmate that you recall.

1 A Yes.

2 Q It's going to be Richard Matt saying she's worried

3 [REDACTED] is going to lock him up.

4 A Yes.

5 Q And you don't know the reason behind that.

6 A No, but now I can see.

7 Q I understand. At the time you agreed to -- you

8 agreed that you could speak to [REDACTED].

9 A Yes.

10 Q Okay, which never happened.

11 A Which never happened.

12 Q Okay.

13 [REDACTED] Any other general

14 questions about Joyce?

15 BY [REDACTED]

16 Q Before get too far, I just wanted to go back on one

17 section. Were you ever disciplined internally for

18 commenting to any of the female civilians about their

19 clothing formally?

20 A Not formally. Well, no, that's not true. I'll

21 take that back. There could have been. There was no

22 formal counseling. What you're referring to is possibly

23 [REDACTED]?

24 Q With any of the civilian women that you said could

25 have --

1 A No.

2 Q -- possibly -- okay. And did you bring the
3 clothing concerns about the five, the five different
4 females civilians working in the shops, to the attention
5 of LaValley, or Racette, or Quinn, or Brown, or Lucia?
6 Did you specifically mention that security concern?

7 A [REDACTED] I spoke with LaValley about it, that I
8 thought she could dress down a little bit. That
9 conversation really didn't go very far. He didn't -- I
10 don't recall what his answer was.

11 Q You specifically talked with the Superintendent
12 LaValley about one of the civilian's dress?

13 A Yeah, about her dress code briefly. You know,
14 she's kind of -- could dress down a little bit.

15 Q Specifically, [REDACTED] or with --

16 A That was with [REDACTED].

17 Q About [REDACTED] dress, okay.

18 A Yes.

19 Q Did you write anything formally, like any --

20 A No.

21 Q Is there any process internally where you could
22 write something, like where you could leave the head of
23 the sergeant or lieutenant and go up into executive
24 management with concerns?

25 A Officially, you're to go through the chain of

1 command right, the area sergeant, and then it passes up
2 through.

3 Q But you had access directly to the superintendents.

4 A As all employees do.

5 Q But you took advantage of that. You, actually,
6 went into their offices and spoke to them directly.

7 A I didn't go that particular time, I didn't, but
8 there was a time where when [REDACTED] dress code --
9 not [REDACTED] but when [REDACTED] dress code
10 came up and her actions of flirting with the inmates, that
11 was brought up. Yes, I went upstairs on that.

12 Q And you brought other concerns about, maybe, the
13 loss of the yard or loss of A block up to Racette
14 directly, didn't you?

15 A I believe I could have on different situations.

16 Q And what was the response regarding --

17 A They were open-minded. They listened to what I had
18 to say.

19 Q So you certainly were never -- you know, no one
20 ever kicked you out of the executive area.

21 A No.

22 Q And you took it upon yourself at different times
23 during your work tenure to approach the upper level of
24 executive staff, to voice some concerns, various concerns.

25 A Yes.

1 Q Okay, but you didn't specifically talk about the
2 dress code besides what we just discussed about [REDACTED]

3 [REDACTED]

4 A No.

5 Q And then you had mentioned that Tilly Mitchell had
6 in the last, possibly the last year before the escape had
7 come to A block with baked goods?

8 A Yes.

9 Q Now, did she have to sign a logbook to enter --

10 A No.

11 Q -- A block? No. Did she actually make it onto the
12 block, or would she just come to the gate and --

13 A Walk right into the office.

14 Q She would walk into the office, but would she have
15 access -- did you ever see her have access into the actual
16 flats or into beyond that gate?

17 A She never went on the flats.

18 Q Okay, so she would enter that office where the
19 first and second men usually were assigned?

20 A Yes.

21 Q And she would provide baked goods there?

22 A Yes.

23 Q Did she ever have access directly while she was
24 there with any inmates?

25 A When they would be coming through, we were just

1 getting ready to run chow, but we did have porters out,
2 and we had about 14 porters, but not all of them would be
3 out, but they were out. So yes, she would walk by inmates
4 in the block. They were doing their tasks, their duties.

5 Q During the time -- let's just go back one year
6 prior to the escape. Had any other tailor shop civilian
7 employees come to the block bearing gifts or bringing
8 baked goods or anything like that?

9 A No.

10 Q So did anything about Tilly Mitchell, approaching A
11 block, bring you any concerns security-wise?

12 A No.

13 Q Was it -- was there anyplace, any notes, any
14 logbooks that would have documented her movement there?

15 A No.

16 Q Did anyone ever say to her or did you ever say to
17 her you really shouldn't be in the block; if you have
18 something, I'll bring it over; I'll bring it to the A
19 block?

20 A No.

21 Q Were you aware that she had done that on any other
22 blocks?

23 A No.

24 Q So you certainly never discussed with her whether
25 it was appropriate or not to enter the blocks.

- 1 A No.
- 2 Q Was her husband, Lyle, ever with her?
- 3 A Yes.
- 4 Q But he would accompany her on more than one
- 5 occasion?
- 6 A They walked in together.
- 7 BY [REDACTED]
- 8 Q Is this first thing in the morning when she's
- 9 starting her shift?
- 10 A Yes.
- 11 Q What time is it?
- 12 A Well, right before her shift would start she had to
- 13 be in the tailor shops. I can't -- I'll have to think
- 14 about that, what time that frame was, but it would be
- 15 right before we would run chow, so it would have to be
- 16 around 7:30.
- 17 Q So 7:30 in the morning Joyce Mitchell was showing
- 18 up at A block with --
- 19 A Approximately.
- 20 Q -- cookies?
- 21 A Yeah.
- 22 Q How many times a week?
- 23 A Well, at the -- at the -- maybe once a week, twice
- 24 a week, maybe, I think.
- 25

1 BY [REDACTED]

2 Q Weren't most of the inmates that worked in her
3 tailor shop from honor block, from A block?

4 A No.

5 Q Okay, where were they mostly from?

6 A Through the whole facility.

7 Q So they were spread out.

8 A Yes.

9 Q But Matt and Sweat would have, at one time, been in
10 her tailor shop were in honor block.

11 A Yes.

12 Q And were both in honor block at the time frame
13 we're discussing, the year before the escape?

14 A Yes.

15 Q And correct me if I'm wrong. If a female nurse
16 were to come in to check on one of the inmates in their
17 cells, they would have to check into the logbook, wouldn't
18 they?

19 A Yes.

20 Q So why wasn't -- why wasn't Tilly Mitchell and her
21 husband, Lyle, why was there no documentation of civilians
22 visiting the block?

23 A That's not required.

24 Q But is there a logbook as you enter the block?

25 A Yes.

1 Q And who decides -- who decides that the civilians
2 are not required to be logged in? If a nurse has to be
3 logged in, why wouldn't Tilly Mitchell --

4 A The nurse is logged in because she's making medical
5 assessments or deliveries, but as for -- just as staff,
6 any staff member, if you were walking by C block, and you
7 knew an officer in there, you would walk in and say hello
8 and walk right back up the block. It wasn't mandatory.
9 There are certain blocks -- APPU and unit 14 -- that do
10 require signatures in a logbook.

11 Q But certainly, you previously testified that it was
12 unusual that no other tailor shop civilians would come in
13 bringing baked goods.

14 A No.

15 Q Certainly the year prior. So wouldn't it have
16 assisted security-wise to have a record of who appeared,
17 even on a casual, pleasant visit in the blocks?

18 A Would you want to document it?

19 Q Yes.

20 A No.

21 Q And why not?

22 A It was just operating procedures. You didn't --
23 you're talking that would be a lot of log entries. You
24 just -- the logbook was more for just normal operating
25 conditions that were noted.

1 Q Looking back with what you know now, post-escape,
2 wouldn't it have been helpful to have a log of a civilian
3 employee visiting the honor block bearing gifts?

4 A Looking back? Yes.

5 Q But it's your position, your understanding, anyway,
6 that there was no requirement to have civilians that came
7 into, at least the A block in this instance, to log their
8 names in and the times they visited.

9 A Correct.

10 BY [REDACTED]

11 Q To clarify, was she going down the tiers or just
12 staying in --

13 A Oh, no.

14 Q -- the office?

15 A She would just come to the office.

16 Q Okay, she wasn't interacting with the inmates down
17 the tiers.

18 A Well, they were all locked in, but the porters
19 would --

20 Q Could be in the office area, not in the office, but
21 in the --

22 A The garbage cans around they were --

23 Q Okay.

24 A -- in.

25 Q And were the baked goods for the officers or for

1 the inmates?

2 A Just for us.

3 Q Just for the officers.

4 BY [REDACTED]

5 Q You never gave any of the baked goods to the

6 inmates?

7 A No.

8 Q Did Joyce deliver these cookies to other -- other

9 blocks?

10 A That, I don't know.

11 Q Were you aware? Did you ever observe that?

12 A No.

13 Q So a year prior to the escape, mid 2014, roughly,

14 Joyce starts showing up with cookies for you.

15 A Yes.

16 Q Did she say these are for you, Gene?

17 A Well, she would offer them to everybody in the

18 block.

19 Q And who would everybody be?

20 A All the officers that were assigned to the block

21 and right before we would run chow.

22 Q So at 7:30 in the morning, on a typical morning

23 what's the number of officers down there?

24 A Six? Now hold on. Take that back. Five, I

25 believe, would be the head count.

1 Q And the front gate is wide open.

2 A Yes. And all blocks, all blocks are that way.

3 Q And so she just merely walks in.

4 A Yes.

5 Q Unescorted. She doesn't require an escort,

6 correct?

7 A Correct.

8 Q And she does not go through a magnetometer or a

9 wand?

10 A No.

11 Q So she just shows -- starts showing up in your part

12 of the -- here's cookies, guys, and there's 915 employees,

13 or something like that, at Clinton. Do you know why she

14 chose --

15 A Now I do.

16 Q At that time, did you --

17 A No.

18 Q -- question why she was bringing you cookies?

19 A No, I didn't.

20 Q No, okay.

21 BY [REDACTED]

22 Q I'm sorry, you say, well, now I do. Why?

23 A Because I was being groomed.

24 Q You feel she was grooming you.

25 A Yup.

1 BY [REDACTED]

2 Q Subsequent to the escape, did you -- did you text
3 anybody about Joyce's travel to the A blocks?

4 A No.

5 Q Did you -- did you have a conversation with
6 somebody regarding Joyce and electric cutters in a garbage
7 can?

8 A That's what that trooper asked, and I believe that
9 is correct, because when it took place then I started
10 looking back on how that could have happened, because --

11 Q Let me just interrupt you. Do you recall this,
12 this what I think is a text, right, where you speak about
13 Joyce and electric cutters?

14 A [REDACTED], I believe.

15 Q So explain it. What exactly is this? This is a
16 text from you to [REDACTED]?

17 A Yes, I believe I did.

18 Q Okay, and what did that text say?

19 A I would have to look at it to reflect on it, but,
20 in a nutshell, I look back and think that possibly [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q When you say possibly, possibly, this is now a
25 theory and not an observation?

- 1 A Correct, just a theory.
- 2 Q A theory. So do you have any knowledge of an
- 3 electric cutter --
- 4 A No.
- 5 Q -- that Joyce --
- 6 A No, because that's the only way I could think that
- 7 you could do that.
- 8 Q Okay, merely a theory on your part.
- 9 A Yes.
- 10 Q Okay. The 14 porters that are in A block at this
- 11 time, are they within the office? Are they milling about?
- 12 A Yes. They're not actually in the office. There
- 13 would be one guy that may come in depending on if the
- 14 garbage cans needed emptying, but generally most of the
- 15 time they stayed out of the office unless the office
- 16 needed to be cleaned.
- 17 Q Are they getting these cookies?
- 18 A Not that I ever saw.
- 19 Q So the cookies are eaten by you --
- 20 A Staff.
- 21 Q -- and other staff.
- 22 A Only staff, yes.
- 23 Q And Joyce shows up bearing, what? A paper plate?
- 24 What does she have in her hand?
- 25 A Pretty much.

1 Q But, typically, she would have a paper plate in her
2 hands?

3 A Yes.

4 Q Okay. How many cookies?

5 A I don't know, five or six. I'm guessing at that,
6 but --

7 Q And then she's gone.

8 A Yes.

9 Q Any requests at that time from Joyce?

10 A No.

11 Q Did she ever refer to Matt or Sweat at the time?

12 A No.

13 Q Did she ever ask you to give anything to the
14 inmates at that time?

15 A No.

16 [REDACTED] Excuse me. I have to
17 step out for a moment, but just continue.

18 ([REDACTED] temporarily leaves
19 proceedings.)

20 [REDACTED] Okay, thank you.

21 BY [REDACTED]

22 Q Okay, what about your observations and associations
23 with Richard Matt, when did that first begin?

24 A When I first started my bid eight years ago.

25 Q Okay.

- 1 A When he was in the block.
- 2 Q So when you first started your bid in A block
- 3 Richard Matt was there.
- 4 A Yes.
- 5 Q Okay, and so what were your observations of Richard
- 6 Matt at that time?
- 7 A That he did paintings.
- 8 Q And describe, what type of paintings did he do?
- 9 A He did portraits.
- 10 Q And how many would he do?
- 11 A I don't know how many he would do, but he did
- 12 portraits.
- 13 Q Was he painting all the time?
- 14 A Yes.
- 15 Q So for eight years he's painting.
- 16 A Yes.
- 17 Q And he's receiving supplies to paint. Where are
- 18 they coming from? Where did they come from?
- 19 A He had his own supplies.
- 20 Q Okay, and where did -- and where do inmates and
- 21 where did Mr. Matt get his supplies from?
- 22 A The package room.
- 23 Q Okay, so they're mailed in?
- 24 A Or and he had purchased them from other artists,
- 25 other inmates that painted.

1 Q Okay, do you know what number of portraits and
2 other paintings and sketches was Matt turning out? Was it
3 one a month? One every other month?

4 A I would guess one every two months, possibly,
5 depending on how much detail, but they weren't his -- so
6 just say two months, approximately.

7 Q So maybe about a half dozen a year.

8 A We could go there, yeah.

9 Q So in eight years, maybe, 48, 50, something like
10 that?

11 A That would be -- I would have to -- I would guess,
12 maybe. I couldn't --

13 Q Just rough.

14 A He put out paintings, that's what he did. That's
15 what his pastime was, was to paint.

16 Q Okay. When he completed the paintings, what
17 typically became of them?

18 A They went to other inmates.

19 Q Did they adorn his cell? Were they hung on his
20 walls?

21 A They kept him on his wall.

22 Q And the ones that were given to the other inmates,
23 do you recall who those inmates were?

24 A Not all of them, but it was -- his skills were
25 requested by many inmates.

1 Q And is that something that is prohibited or not
2 prohibited in the facility? One inmate giving another
3 inmate a gift of a painting?

4 A I'm sure there's some violation there.

5 Q Okay.

6 A If you looked into it.

7 Q A number of staffers, a number of Clinton employees
8 also received paintings?

9 A That I'm not aware of. I know Joyce -- I did see
10 Joyce Mitchell receive one.

11 Q Okay. Did you, yourself, did you receive
12 paintings?

13 A Yes.

14 Q Okay, and other COs and other civilian staffers
15 you're not aware of receiving paintings; is that what you
16 said?

17 A It was not common knowledge that he did paintings.
18 Whether other employees received them, I never physically
19 saw that.

20 Q Okay. Did you facilitate other employees receiving
21 paintings?

22 A Facilitate?

23 Q Did other employees ask you to go see Matt and I'm
24 looking to have this painted?

25 A One officer had.

- 1 Q One officer, and which officer is that?
- 2 A [REDACTED]
- 3 Q [REDACTED] And she was or is a CO?
- 4 A She's a sergeant right now.
- 5 Q Sergeant. And she came to you and asked that you
- 6 provide -- assist her in getting a painting from Matt?
- 7 A Yes.
- 8 Q Did she give you a photograph?
- 9 A Yes.
- 10 Q Did you pass that photograph to Matt?
- 11 A Yes.
- 12 Q Did Matt paint it?
- 13 A That, I don't know.
- 14 Q Did you deliver a painting from Matt to [REDACTED]?
- 15 A No.
- 16 Q You did not. Do you know what the terms of that
- 17 agreement were between Matt and [REDACTED]?
- 18 A No.
- 19 Q Do you know if you received anything in exchange
- 20 for the painting? I'm sorry, yeah, do you know if Matt
- 21 received anything in exchange for the painting?
- 22 A Now, she had given me some paint and some paint
- 23 brushes to give to him, which I did give to him.
- 24 Q And so she gave you paint and paint brushes to
- 25 paint her painting and a photograph, but you don't know if

1 it ever materialized.

2 A Correct.

3 Q And you don't know if, other than the paint and the
4 paint brushes to paint her portrait, whatever portrait she
5 wanted painted, you don't know if there's other, you know,
6 consideration on top of that? Was there cash or --

7 A No, I don't.

8 Q -- anything else? You don't know. Never said.
9 Did Matt ever set a price for his paintings?

10 A No.

11 Q No? Are you aware of any prices for Matt's
12 paintings?

13 A No.

14 Q Are you aware of a painting that may have sold on
15 the outside?

16 A The troopers had indicated that one had. Maybe
17 that was Barack Obama, but they never clarified that.

18 Q Do you ever recall discussing with anybody about
19 the Gandolfini's Tony Soprano?

20 A Oh, he may have, that's true. That one he may have
21 sold.

22 Q And how did you find out about that?

23 A He had told -- I believe he had spoke to me about
24 that. I believe that that was the one that may -- either
25 that or it was the Barack one that was sold on Ebay, but

- 1 I'm not too sure that that took place.
- 2 Q Did you ever research it on line?
- 3 A I don't know if I had or not.
- 4 Q Do you know if Mary Lamar ever researched it on
- 5 line?
- 6 A No.
- 7 Q You're saying no, you don't know, or no she did
- 8 not?
- 9 A No, I don't know.
- 10 Q No, you don't know. Do you recall what it sold
- 11 for?
- 12 A I believe Matt said it sold for \$2,000. It was
- 13 either 2,000 or 5,000. I thought that was -- maybe it was
- 14 2, but --
- 15 Q So and did you ever confirm that to be a fact?
- 16 A No.
- 17 Q Did Matt ever say to you what he got for his
- 18 paintings?
- 19 A No.
- 20 Q But he worked on them for about two months,
- 21 typically?
- 22 A Yes.
- 23 Q Okay. Other than Matt as a painter, what other
- 24 observations did you have of Matt?
- 25 A He was easy going, as the other inmates in A block

1 were pretty much easy going also.

2 Q Was he a drug user?

3 A That, I wasn't aware of that.

4 Q Was he a drinker?

5 A I believe he did. There was one time I did smell

6 alcohol on his breath, I thought.

7 Q And describe that time.

8 A It was pretty much right up before the escape took

9 place, I thought I had smelled alcohol on his breath.

10 Q How close is pretty much?

11 A Before the escape?

12 Q Yes. Weeks, months?

13 A I would say weeks.

14 Q And so when you smelled alcohol on his breath what

15 did you do?

16 A I didn't act on it.

17 Q Was it the only time you smelled alcohol on his

18 breath?

19 A Yes.

20 Q Did he have associates, either on A block in the

21 tailor shop, that he was regularly associated with?

22 A Not that I'm aware of, no.

23 Q What about Mr. Sweat?

24 A Well, yes, him and Sweat were close because they

25 both painted.

1 Q Any others?

2 A None that come -- not that jump out, no.

3 Q Any of the porters?

4 A There were some white porters, I guess you could
5 say he mingled with them, but it didn't seem like they had
6 an in-depth relationship with anybody.

7 Q Um-hum. Did he often ask you to intervene on
8 behalf of -- on the behalf of others, other inmates?

9 A He wanted Sweat moved from his cell which I did do
10 that.

11 Q Any other inmates?

12 A Nothing that comes to mind.

13 Q Did he ever ask you to help out an inmate who lost
14 his job?

15 A Oh! Okay, yes, that is correct. [REDACTED] [REDACTED] had
16 gotten in trouble.

17 Q [REDACTED] who?

18 A I would -- his last name. I'm not sure of his
19 first name.

20 Q Is it [REDACTED]?

21 A That's it.

22 Q Okay.

23 A That's him. He had gotten in trouble, and he had
24 got locked up, and --

25 [REDACTED] Can we just take a break

1 for a couple minutes?

2 [REDACTED] Sure.

3 [REDACTED] He's been at it for about
4 two hours now, and I want to talk to Gene about
5 something.

6 (A brief recess was taken.) ([REDACTED]
7 enters proceedings.)

8 BY [REDACTED]

9 Q Get back to the paintings we were talking about,
10 Matt's paintings, and I think you had said a number of
11 inmates received paintings over the eight years that you
12 had worked in A block and as an escort. And we were
13 talking a little bit about who those inmates might be, and
14 let's pick up from there.

15 Do you know of any inmate that received paintings
16 from Matt?

17 A [REDACTED] I know [REDACTED] did.

18 Q And is that the last name or first name?

19 A Last name.

20 Q Do you know the first name?

21 A No.

22 Q Do you know the year?

23 A Well, that would be, probably, within a year of the
24 escape.

25 Q So, maybe, 2014 sometime?

- 1 A Yes.
- 2 Q And do you know what the painting was of?
- 3 A It was [REDACTED].
- 4 Q And did you -- did you -- do you know what the
- 5 arrangement was between [REDACTED] and Matt?
- 6 A No.
- 7 Q Did you provide Matt a picture for [REDACTED]?
- 8 A No.
- 9 Q Did you have anything to do with the arranging of
- 10 the painting?
- 11 A No.
- 12 Q No? How were you aware that [REDACTED] received a
- 13 painting?
- 14 A Matt had shown it to me.
- 15 Q Okay, and rough dimensions.
- 16 A (Indicating.)
- 17 Q Okay, so you're --
- 18 A So we would have to say 14 by 16, maybe.
- 19 Q Fourteen inches by sixteen inches.
- 20 A Yes.
- 21 Q Okay, and it was of [REDACTED].
- 22 A Yes.
- 23 Q Okay, and you don't know how Matt got it to [REDACTED]?
- 24 A He handed it to him.
- 25 Q Just handed it to him.

1 A Yes.

2 Q And where did this occur?

3 A Right on the gallery. They're [REDACTED]

4 [REDACTED]

5 Q Okay, they're [REDACTED]. So this

6 is on [REDACTED]

7 A Yes.

8 Q Okay, any other inmates who received paintings from

9 Matt?

10 A None that come to mind, but I'm sure that was done.

11 It wouldn't be -- it wouldn't surprise me.

12 Q Okay, any -- have you heard any rumors that Matt

13 was providing inmates with paintings?

14 A I'm sure his skills were requested.

15 Q Right. Any particular inmates that received the

16 paintings that you heard rumors about?

17 A None that come to mind.

18 Q Even if you can give me a gallery and a rough

19 location, if you don't recall the name.

20 A None that jump out.

21 Q Do you ever recall going into other cells and

22 saying, hey, that's one of Matt's paintings?

23 A No.

24 Q No? Never. So other than Mr. -- than inmate

25 [REDACTED] you don't know of any other -- you can't recall any

- 1 other inmates who received --
- 2 A No.
- 3 Q -- paintings, but you believe there were a number
4 of them.
- 5 A I would think that -- there were many inmates that
6 had artistic skills through my career where they were
7 hired by other inmates to perform those tasks and had
8 mailed them home to their family.
- 9 Q Um-hum. What about Matt, just Matt creating
10 paintings for other inmates, any other -- any other
11 inmates that you can think of that he created paintings
12 for?
- 13 A None that come to mind.
- 14 Q Okay. Who was aware that Matt was creating
15 paintings for others?
- 16 A Who?
- 17 Q Yeah.
- 18 A Staff and inmates.
- 19 Q Okay. When you talk about staff, A block staff?
- 20 A Yes.
- 21 Q What about administration building, central office,
22 the main office at Clinton?
- 23 A I'm sure that they were aware that he had painting
24 skills.
- 25 Q Other than he had painting skills, that he was

1 producing paintings for inmates and staff.

2 A I don't know that they were aware of that, but I'm
3 sure that they under -- it wouldn't surprise me if they --
4 that that took place, but I can't confirm that.

5 Q Okay. Which staff members received paintings from
6 Matt that you recall?

7 A That, I don't know.

8 Q Okay, you spoke about [REDACTED]

9 A Yes.

10 Q And so just refresh my memory about the painting
11 that she received. What year was this?

12 A Well, I don't know that she received a painting.

13 Q Okay, okay, I'm sorry, that she commissioned the
14 painting.

15 A Maybe, two years ago.

16 Q So, maybe, 2013?

17 A Yeah.

18 Q Okay, and correct me if I'm wrong. She provided
19 you with a picture to give to Matt?

20 A Yes.

21 Q Paints to give to Matt?

22 A Yes.

23 Q Paint brushes to give to Matt?

24 A Yes.

25 Q And that's the last knowledge you have of that.

- 1 A Yes.
- 2 Q Did you ever see Matt starting to paint the
3 picture?
- 4 A No.
- 5 Q No idea what happened next.
- 6 A No.
- 7 Q Did [REDACTED] ever say, hey, got that picture?
- 8 A No.
- 9 Q No idea.
- 10 A No.
- 11 Q Okay. Other individuals who either you know
12 received a painting, or you believed received a painting,
13 or you've heard a rumor received a painting, who would
14 they be?
- 15 A That, that I don't know.
- 16 Q You can't recall a single individual?
- 17 A That inquired about it. The block officers in the
18 block were aware that he did paintings.
- 19 Q Okay, let's put it this way. What staffers do you
20 know who either solicited the painting, requested one,
21 provided Matt with paint, paint brushes, photographs?
22 Even if you don't know if the painting was actually
23 completed, who were these employees that were involved in
24 soliciting or receiving paintings from Matt?
- 25 A That, I don't know. I wasn't aware of any of that.

- 1 Q You don't know of a single employee --
- 2 [REDACTED] I think he testified
- 3 before about Mitchell.
- 4 A Oh, yes, Mrs. Mitchell did.
- 5 Q Okay, we'll get to Ms. Mitchell second, but other
- 6 than -- other than Miss Mitchell, are you aware of any
- 7 other employees who requested a painting or received a
- 8 painting?
- 9 A No.
- 10 Q Okay, what about Allen Trombley?
- 11 A No. He was interested in a painting, but whether
- 12 he acquired one I don't know about.
- 13 Q Okay, that's what we're looking for. Anyone who
- 14 even, you know, started the process of acquiring a
- 15 painting, or asked Matt about a painting, or asked you
- 16 about a painting that Matt could do, that's what we're
- 17 looking for.
- 18 A Okay.
- 19 Q So Allen Trombley, tell me about what -- the
- 20 circumstances surrounding Allen Trombley and any requests
- 21 for a painting.
- 22 A Well, he was the shop officer in the shop.
- 23 Q What shop?
- 24 A Tailor 1.
- 25 Q Okay, what period of time did this occur?

- 1 A He had that job for --
- 2 Q I'm sorry, I don't mean the job. What period of
3 time did the request for a painting occur?
- 4 A He inquired about it, maybe, two years ago.
- 5 Q So maybe -- I'm sorry, maybe, 2013.
- 6 A Yes.
- 7 Q Okay, so in 2013 how did Allen Trombley go about
8 soliciting a painting by Matt?
- 9 A That, I don't know.
- 10 Q Okay, well, tell me what you do know about Allen
11 Trombley and a painting.
- 12 A That he knew that, that Matt had done paintings for
13 me.
- 14 Q Okay.
- 15 A And he would inquire about them. I said just go
16 speak to him.
- 17 Q Okay, and who would this painting be of that Allen
18 Trombley was seeking, do you know?
- 19 A No.
- 20 Q Did Allen Trombley have [REDACTED]?
- 21 A Yes, he did.
- 22 Q Okay, does that refresh your recollection?
- 23 A Yes.
- 24 Q Okay, tell me about it.
- 25 A I think he might have -- that could be the painting

- 1 that he may have wanted to have done.
- 2 Q Okay, and so do you know anything more about it,
3 that --
- 4 A No.
- 5 Q So Allen said he wanted to have a painting done of
6 [REDACTED], and you said just go see Matt.
- 7 A Yes.
- 8 Q And that's the last you know of it.
- 9 A Yes.
- 10 Q Nothing further.
- 11 A No.
- 12 Q Okay, anybody else request a painting done by Matt,
13 or a rumor of a painting done by Matt, or sought a
14 painting done by Matt.
- 15 A No.
- 16 Q Okay, what about [REDACTED]
- 17 A He might have.
- 18 Q Okay, well, tell me about that.
- 19 A He worked in the package room.
- 20 Q Okay, so he worked in the package room, and when
21 might he have sought a painting by Matt?
- 22 A On the weekends, when Matt would mail his paintings
23 out, I would bring him down to the package room.
- 24 Q You would bring Matt down to the package room.
- 25 A Yes, and then [REDACTED] would see the paintings.

1 Q And was there anything more? Did [REDACTED] say I
2 want the painting?

3 A No.

4 Q No, so the speculation is just because [REDACTED]
5 saw a painting, he might have sought a painting from Matt?

6 A Possibly, yes.

7 Q And you know nothing more about that.

8 A No.

9 Q What about, anybody else who is coming to mind now
10 that I'm giving you names. I don't want to supply you
11 with names. I prefer that you tell me.

12 A None that jump out.

13 Q What about [REDACTED]

14 A Okay, he was the second officer.

15 Q Okay.

16 A Yes.

17 Q And tell me.

18 A He had inquired about the paintings also.

19 Q When?

20 A Possibly, within a two-year period of the -- of the
21 escape.

22 Q So 2013 we're --

23 A Yes.

24 Q -- talking about? Okay, who did he inquire
25 through? Did he inquire to you?

- 1 A He asked me about it.
- 2 Q Okay, what did you tell him?
- 3 A Just go see Matt.
- 4 Q So [REDACTED] said I'm looking for a painting,
5 and you said go see Matt.
- 6 A Yes.
- 7 Q End of conversation.
- 8 A Yes.
- 9 Q Nothing further.
- 10 A No.
- 11 Q Did you provide Matt a photograph from [REDACTED]?
- 12 A No.
- 13 Q Did you provide Matt a photograph from [REDACTED]
- 14 A Yes, I did.
- 15 Q Okay, well, that's what I'm looking for. That's --
16 you know, tell me those things. Okay? So let's go back
17 to [REDACTED] So you -- other than you know that
18 [REDACTED] wanted a painting done by Matt, you also
19 provided [REDACTED] -- you also provided Matt with a
20 painting from [REDACTED] -- I'm sorry, with a picture from
21 [REDACTED]
- 22 A Yes.
- 23 Q Okay, so describe that.
- 24 A He had a picture, and I gave it to Matt.
- 25 Q And so when you gave it to Matt, did you say

1 anything to Matt at that time?

2 A That I believe [REDACTED] wanted a painting.

3 Q Okay, and what did Matt say?

4 A He said okay.

5 Q Like okay, I'm going to do this?

6 A Yes.

7 Q Okay, so that's a little more than where we

8 started. So is there anything else? Did you see Matt

9 starting to paint something on an easel?

10 A No.

11 Q No? Did you ever deliver a picture from Matt to

12 [REDACTED]

13 A No.

14 Q You thought about that for a moment. What's --

15 A I'm pretty sure no.

16 Q -- the hesitation? Okay, pretty sure, but --

17 A Yes.

18 Q Okay.

19 BY [REDACTED]

20 Q Excuse me a second. Mr. Palmer, I just want to

21 make this perfectly clear. We've been doing this

22 investigation for six months, and we've spoken to a lot of

23 people. This is not to trick you. We don't want to trick

24 you. We have a lot of information, and we're not going to

25 sit here and spoon feed you people that we already have

1 information regarding your involvement. We're asking for
2 your truthful testimony.

3 Now, I'm just going to ask you to sit back, take a
4 deep breath and think about did you tell anybody that Matt
5 painted pictures for you? Did you convey that information
6 to other staff members, inmates, civilians? Did you
7 provide any pictures to Matt for anybody? Did you
8 transfer any paintings? Again, these are not trick
9 questions. We just want your complete and truthful
10 testimony that, by the way, is all covered under your
11 proffer agreement with the DA's office. So take a moment
12 and think about your involvement in anything because now
13 is the time to tell us.

14 A Yes.

15 Q Okay?

16 [REDACTED] Are you ready to
17 continue? Have you thought about it? Can you
18 continue?

19 MR. PALMER: Continue, yes.

20 Q So is there anything further regarding [REDACTED]
21 [REDACTED] and his soliciting a painting from Matt? Is
22 that it? You took a photograph from [REDACTED] [REDACTED]

23 A Yes.

24 Q And you gave it to Matt, and what happened next?

25 A I believe he painted a painting for him.

1 Q Okay, and when the painting was completed, do you
2 know what happened with it?

3 A I gave it to [REDACTED] [REDACTED]

4 Q Okay, so the complete process is complete, right?

5 A Yes.

6 Q Okay, so let's go back. So that's [REDACTED]
7 Allen Trombley, when he solicited a painting in 2013, did
8 you provide a photograph to Matt from Allen Trombley?

9 A I don't recall that, if I had done that.

10 Q And this is of Allen Trombley with [REDACTED] or
11 just Allen Trombley's [REDACTED]?

12 A I believe he wanted a picture of both of them, a
13 painting together.

14 Q Okay, but you don't recall giving him -- you don't
15 recall giving Matt a photograph from Allen Trombley.

16 A No.

17 Q Okay, and do you recall Matt working on a picture,
18 a painting, a drawing, a sketch of Allen Trombley's
19 [REDACTED] and or Allen Trombley?

20 A Yes.

21 Q You do, okay. And when that was completed -- was
22 that picture completed?

23 A I believe it was.

24 Q Okay, when it was completed what happened to it?

25 A Allen Trombley took possession of it.

1 Q Okay, through you, or did Allen Trombley go to the
2 cell and pick it up himself?

3 A That, I'm not sure about, how that --

4 Q Okay.

5 A -- took place.

6 Q This is something you know to be a fact.

7 A Yes.

8 Q Okay, and how do you know it to be a fact? You saw
9 the photo -- the picture?

10 A Yes.

11 Q Okay. Did you see it in the facility or at
12 Trombley's residence?

13 A The facility.

14 Q Okay, did Trombley ever refer to the picture?

15 A Yes.

16 Q He did. Often, or once, or --

17 A Once.

18 Q Okay, and did he say where it ended up?

19 A No, he didn't.

20 Q Okay, okay.

21 BY [REDACTED]

22 Q What did he say about the painting? What did Allen
23 Trombley say about the painting he received from Matt?

24 A That is -- that he wanted the painting of him and

25 [REDACTED].

1 Q And then after he received it, what if anything did
2 Allen Trombley say about the painting?

3 A He didn't, not that I recall.

4 Q He didn't say he was happy about it? He didn't say
5 it looked just like [REDACTED]?

6 A Oh, yeah, those comments were most likely made,
7 yes.

8 Q I don't want to put words in your mouth. You had a
9 separate discussion with him after he received the
10 painting, discussing the quality of the painting, is that
11 fair?

12 A Yes.

13 Q And you discussed that in the tailor shop?

14 A In the block, I believe.

15 Q In A block on the weekends when you were --

16 A Yes.

17 Q -- together? And you distinctly remember that.

18 A Yes.

19 BY [REDACTED]

20 Q [REDACTED] so we'll talk about [REDACTED]
21 one more time. So what is your recollection of anything
22 to do with a painting he --

23 A He inquired about a painting also.

24 Q Okay, inquired. Did he provide you with a
25 photograph?

1 A No, not that I recall, no.

2 Q Okay, what was the painting to be of?

3 A [REDACTED]

4 Q Okay.

5 A [REDACTED]

6 Q Okay, and I think you had said earlier you thought
7 this was maybe in 2013.

8 A Yes.

9 Q Okay, did you see Matt painting this painting?

10 A No.

11 Q Did you see this painting completed at some point?

12 A No.

13 Q Did [REDACTED] ever refer to it as receiving
14 it?

15 A No.

16 Q No. Going back to the photo one more time, and
17 this is covered conduct, is that correct? This is covered
18 conduct. You're sure you don't recall giving Matt a photo
19 from [REDACTED] or from somebody else representing --
20 that depicted [REDACTED] [REDACTED] I think it was [REDACTED]
21 [REDACTED]

22 A Not that comes to mind, no.

23 Q Okay, do you want to think about that, maybe? I
24 mean, I'm just -- I'm not trying to --

25 A It's feasible that it could happen.

1 [REDACTED] Well, let me do it.

2 Let's do everyone a favor. I want to speak to my
3 client for a moment outside.

4 [REDACTED] Okay.

5 [REDACTED] Okay.

6 (A brief recess was taken.)

7 [REDACTED] I think the question on
8 the table was what does he know about other people
9 getting paintings from Matt.

10 [REDACTED] That's correct.

11 [REDACTED] Why don't you respond as
12 best you can.

13 BY [REDACTED]

14 Q Okay, so what do you know about other individuals
15 receiving paintings from Matt?

16 A It's rumored that, through Matt's career at that
17 jail, that numerous employees had received paintings.

18 Q Okay.

19 BY [REDACTED]

20 Q Who started that rumor? Who told you that?

21 A [REDACTED] (sic)?

22 Q [REDACTED]?

23 A Yes.

24 Q And who's [REDACTED]?

25 A He retired a couple years back.

1 Q CO?

2 A Yes.

3 Q What block?

4 A He worked midnights, but I don't recall what block

5 he worked. It wasn't A block, though.

6 BY [REDACTED]

7 Q [REDACTED] or [REDACTED]?

8 A I was never good with that name.

9 BY [REDACTED]

10 Q And so [REDACTED] told you about a rumor

11 that Matt had provided paintings to a number of --

12 A Yes.

13 Q -- staffers. And so we spoke about a number of

14 staffers who you either believe, or know, or observations

15 received paintings, and I think we just left off with [REDACTED]

16 [REDACTED]

17 A Yes.

18 Q Any others that you can recall?

19 A None that jump out.

20 Q Okay, I asked you earlier if you had seen any

21 paintings in other inmates' cells that you identified as

22 possibly being Matt's, and your answer was no. Is that

23 still --

24 A Yes, I don't recall.

25 Q Okay.

1 A He did portraits.

2 Q Okay.

3 A Only portraits.

4 Q What about on the outside, outside of the facility?

5 BY [REDACTED]

6 Q What about Mary?

7 [REDACTED] Do you mind if I just

8 jump in here once in a while and move this along?

9 [REDACTED] Sure. Actually, we have

10 two more before we get to Mary.

11 BY [REDACTED]

12 Q But on the outside, outside of the facility, did

13 you see any paintings outside of the facility that would

14 be identified as Matt's?

15 A Yes.

16 Q What painting would that be?

17 A Matt had painted that Italian actor, and he donated

18 it, gave it to me for the fund raiser for [REDACTED] and

19 I sold it at the fund raiser.

20 Q And what fund raiser is that?

21 A For [REDACTED] [REDACTED].

22 Q Okay, and what year was that?

23 A Well, that would have to be maybe the year 2014.

24 BY [REDACTED]

25 Q Was it the Gandolfini painting?

- 1 A Yes, yes.
- 2 BY [REDACTED]:
- 3 Q And that was Sweat did that painting.
- 4 A Yes, but Matt had done one of those too.
- 5 Q What about, do you know [REDACTED] and or [REDACTED],
- 6 the [REDACTED], did they receive a painting?
- 7 A Oh, yes, yes.
- 8 Q Okay, tell me about that.
- 9 A I had a painting done for both [REDACTED]
- 10 [REDACTED].
- 11 Q When was that?
- 12 A That would have been earlier, maybe 2012. I'm not
- 13 sure of the exact date on that, but --
- 14 Q And what did Matt receive in return for doing that
- 15 painting for you?
- 16 A Nothing.
- 17 Q Nothing? Just does them.
- 18 A Yes.
- 19 Q It takes two months, and crank them out.
- 20 A Yes.
- 21 Q Okay. What about Thomas LaValley?
- 22 A I don't know that he ever received any, but rumor
- 23 was, but --
- 24 Q Tell me about the rumor.
- 25 A That he had received a painting. I don't know what

- 1 it was of, and that it was in his house.
- 2 Q In his private residence.
- 3 A I believe that, yes.
- 4 Q Did Thomas LaValley live in DOCCS, DOCCS' housing,
- 5 or did he own his own house?
- 6 A I believe Tom lived at the top, yes.
- 7 Q At the top.
- 8 A The warden's house, the superintendent's old house.
- 9 Q So when he lived there, was his painting there or
- 10 was it his private residence?
- 11 A That, I don't know.
- 12 Q So what do you -- what do you know about this
- 13 rumor?
- 14 A Just that that had come up that he had also
- 15 received a painting from Matt.
- 16 Q Who told you about this rumor?
- 17 A How did I come across that? I don't remember.
- 18 Q Was it before the escape or after the escape that
- 19 you --
- 20 A After the escape.
- 21 Q Was it from Mary Lamar?
- 22 A Yes.
- 23 Q Okay, tell me, what did she tell you?
- 24 A She had heard that, yes, that's it.
- 25 Q She had heard that Thomas LaValley had a Matt

- 1 painting in his private home.
- 2 A Yes.
- 3 Q And did she say how she knew of this or believed
- 4 this to be true?
- 5 A She had heard it from somebody else, I believe.
- 6 Q Was the internet involved in this? Had she done
- 7 research on the internet?
- 8 A Well, now, when Matt had said he sold that, the one
- 9 painting, whether it was the Italian guy or Barack, he
- 10 either said he got \$5,000 or \$2,000 for it. And I recall
- 11 either I did or Mary may have researched, out of
- 12 curiosity, to see if that was accurate, whether he was
- 13 telling the truth, that it would have gone for that much
- 14 money.
- 15 Q What about this painting in LaValley's house?
- 16 A Oh, I don't know.
- 17 Q Mary Lamar didn't tell you how she came to this
- 18 belief?
- 19 A I believe she had heard it from somebody else.
- 20 Q Okay, who is that somebody else?
- 21 A That, I don't recall.
- 22 Q Was it -- do you know somebody named [REDACTED]
- 23 [REDACTED]?
- 24 A Yes.
- 25 Q So who's [REDACTED]?

- 1 A [REDACTED] is a sergeant in the annex.
- 2 Q Okay, and so tell me about the rumor and [REDACTED]
- 3 [REDACTED].
- 4 A That he had heard about that.
- 5 Q And anything more?
- 6 A No, not that comes to mind.
- 7 Q Had he looked out on the internet and found
- 8 something?
- 9 A Had he?
- 10 Q Yes.
- 11 A Oh, I don't know.
- 12 Q Did he say anything about that?
- 13 A No, not that I recall.
- 14 Q Okay, what about Joyce Mitchell? Did Joyce
- 15 Mitchell ever commission paintings from Matt and or Sweat?
- 16 A She had -- I know one painting that she had done.
- 17 Q Tell me about it. When did this occur?
- 18 A Well, it must have been 2014.
- 19 Q Um-hum, and what was it of?
- 20 A She had been -- would have been of three of them, I
- 21 believe -- her husband, her and her son.
- 22 Q Okay, and tell me about the process. How did
- 23 Mitchell obtain this painting from the start to the
- 24 finish?
- 25 A She gave me a photo of it. I gave it to Matt.

1 Matt did the painting, and then when it was ready, Joyce,
2 Tilly, called me up and told me to go to Lyle's office and
3 pick the painting up, and he had his keys and put it in
4 their car.

5 Q So Matt's painting away, and Joyce is telling you
6 to go get the painting and drop it in her car.

7 A Yes.

8 Q And did you do that?

9 A Yes.

10 Q And do you know what -- did Joyce pay for this
11 painting?

12 A I don't know how that -- what their transactions
13 were.

14 Q No idea.

15 A No.

16 BY [REDACTED]

17 Q Did you ask?

18 A No.

19 BY [REDACTED]

20 Q When you picked up this painting, tell me, was it
21 wrapped?

22 A Yes.

23 Q How big was it?

24 A Something of that, possibly that style.

25 Q So how many inches would you say that it was?

- 1 A It would have to be, what, 16 by 18 maybe.
- 2 Q Okay, sixteen by eighteen, and it's wrapped.
- 3 A Yes.
- 4 Q Is it -- is it -- I'm sorry to interrupt you. Is
- 5 it a -- is it a hard frame, or is it on a board or a --
- 6 A I don't recall it being on a frame, no.
- 7 Q Okay, and so you pick up this painting from Matt in
- 8 his cell.
- 9 A Yes.
- 10 Q And where did you go next?
- 11 A Well, I don't recall where I -- I thought it was at
- 12 Lyle's office. I thought that's where the painting was,
- 13 or Joyce had it. I don't recall where I acquired that,
- 14 but I did go to his office to get the keys to his car.
- 15 Q Would Lyle have access to the inmates on the block?
- 16 A He would, but he normally wouldn't. He wouldn't
- 17 have come in the block.
- 18 Q Did you ever see him in a block?
- 19 A When he came in with his wife with the cookies, but
- 20 he wouldn't have ever gone upstairs, not that I saw.
- 21 Q Right now my understanding is when you come in with
- 22 the cookies -- when they came in with the cookies in the
- 23 morning, they're only getting access to the front gates
- 24 open?
- 25 A Yes.

1 Q And they're only going into that vestibule, or
2 whatever you want to call it, that office.

3 A Yes.

4 Q And no further, is that correct?

5 A Yes.

6 Q Okay, so could Lyle have picked up this painting
7 from Matt?

8 A He could have, because Monday through Friday, when
9 I left the block around 7:45ish, I went over to the tailor
10 shops. I didn't come back to the block until 2:00, so if
11 he did come into the block I wouldn't have known that.

12 Q And how would he get a painting from Matt? How
13 would he --

14 A Either that or Matt brought that to them when he
15 went across.

16 Q Okay, that's another question. And Matt can come
17 across from the block to the tailor shop with a large
18 painting in his hand?

19 A Yeah.

20 Q He can, and you observed that.

21 A I believe that's how he did that.

22 Q And is that permissible conduct?

23 A It's overlooked. You know, a lot of inmates
24 have -- not a lot of inmates, but it's not uncommon to
25 bring -- when you bring your cassette tapes over, your

1 headphones, or you have a mail-out because you got to go
2 to the package room, so you have to bring that package
3 with you to the shop, so you don't go back and walk, you
4 go straight to the package room.

5 Q Okay. When -- so you delivered this package to
6 their -- their car?

7 A Yes.

8 Q Where was their car?

9 A I don't know, maybe the third level.

10 Q So you leave the front gate, you walk through the
11 front gate, the various gates right there, and you go out
12 to the parking lot, up to the third level and drop it in
13 their car.

14 A Yes.

15 Q Who's at the front gate?

16 A There are a bunch of officers down there.

17 Q What officers?

18 A Officers assigned to the front gate.

19 Q By name, what officers were there?

20 A Oh, that particular day I don't recall.

21 Q When was this?

22 A That still should have been 2014, possibly, or in
23 that time frame.

24 Q Where you're leaving the facility with a large
25 wrapped painting, did anybody question you?

- 1 A No.
- 2 Q Should you be -- should your packages be reviewed
3 upon exiting and entering the facility?
- 4 A Probably, per directive.
- 5 Q But that didn't happen.
- 6 A No.
- 7 Q Did it ever happen?
- 8 A No.
- 9 Q So you left the facility with a large painting in
10 your hand and no one said anything.
- 11 A Correct.
- 12 Q Okay. This painting was, you said, of her husband,
13 and Joyce, [REDACTED].
- 14 A Yes.
- 15 Q Any other paintings?
- 16 A No.
- 17 Q Okay, what about a painting of her dogs?
- 18 A There, may -- yes, maybe there was a painting of
19 her dogs.
- 20 Q Tell me about that.
- 21 A That, I don't have much recollection of, but now
22 that you bring that up, I do recall that he had painted
23 her dogs.
- 24 Q Did you -- was it the same process? Did she
25 approach you, give you a photograph?

- 1 A No, I didn't transport that.
- 2 Q Okay, so you knew -- how do you know about this
- 3 then?
- 4 A Now that you brought that up, I recall that -- that
- 5 might have been the first painting that she had done.
- 6 Q How do you know -- I'm sorry.
- 7 A That she had him do.
- 8 Q How do you recall it?
- 9 A Only that you had just triggered my memory of the
- 10 dogs, but there were two dogs, maybe?
- 11 Q Okay, but did you see the painting?
- 12 A Yes.
- 13 Q When did you see the painting?
- 14 A I believe that was the first painting, but I don't
- 15 recall the time frame, maybe 2012, but I would be guessing
- 16 at that.
- 17 Q Okay, but you did not bring a picture to Matt,
- 18 that's what you're saying.
- 19 A Did I bring the picture of the dogs to him?
- 20 Q Correct.
- 21 A I don't remember, but I wouldn't be surprised that
- 22 I had.
- 23 Q Okay, when the painting was complete did you
- 24 transport it from the facility to the car?
- 25 A No.

1 Q No, okay. What about a picture of [REDACTED]
2 [REDACTED]
3 A Yes.
4 Q Tell me about that.
5 A Yes. [REDACTED] [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 A Okay, it could have been that, yes.
9 Q So tell me about that painting.
10 A I do recall that, now that you brought that up,
11 that she had -- he had done that painting for her.
12 Q Did you receive a picture from Joyce or Lyle?
13 A Yes.
14 Q Okay, did you give it to Matt?
15 A Yes.
16 Q Did you see the painting complete?
17 A Yes.
18 Q Did you deliver it from the block to somewhere, to
19 either Joyce or the car?
20 A I could have, which is reasonable, may have brought
21 it to her shop for her.
22 Q And you walking around -- when you were walking
23 around the facility with paintings, no one questioned
24 this.
25 A No.

- 1 Q And is that -- was that a common occurrence?
- 2 A I think it was wrapped.
- 3 Q Okay. Do correction officers walk around with
- 4 large wrapped items in their hand? It's not unusual?
- 5 A No. Well, it's not overly outstanding that draws
- 6 attention, but many employees have paperwork or envelopes
- 7 or files that you would carry through the hallway.
- 8 Q Okay. Any other paintings that you're aware of
- 9 that Mitchell -- that either of the Mitchell's received,
- 10 either Joyce or Lyle?
- 11 A Nothing that comes to mind.
- 12 Q This one that you're talking about, that's the
- 13 husband -- I'm sorry, that's Lyle, Joyce and the son, is
- 14 that the one that -- did Matt remark something about this,
- 15 how this family looked?
- 16 A The Adams family.
- 17 Q So that is that one.
- 18 A Yes.
- 19 Q Okay, you received a number of paintings, is that
- 20 correct?
- 21 A Yes.
- 22 Q What about sketches?
- 23 A Yes, I had pencil sketchings too.
- 24 Q So paintings, pencil sketches, drawings the same
- 25 thing or keeping it all in one?

- 1 A Yes.
- 2 Q Okay, so how many do you believe you received?
- 3 A I think, approximately, 14 to 15.
- 4 Q Okay. Can you just very, very briefly describe
- 5 which ones you're talking about? What do they depict?
- 6 A There was a painting of Clint Eastwood, a drawing
- 7 of Clint Eastwood, a painting of John Wayne, a sketch of
- 8 John Wayne, [REDACTED].
- 9 Q That's one painting of [REDACTED] or three
- 10 different paintings?
- 11 A Three different -- it would be three different
- 12 paintings of [REDACTED].
- 13 Q Okay.
- 14 A Another of [REDACTED]
- 15 [REDACTED].
- 16 Q And that's a picture being a sketch or a painting?
- 17 A I believe that was a painting.
- 18 Q Okay.
- 19 A Then there was a picture of Mary's [REDACTED], and
- 20 there was a sketch of [REDACTED] and possibly a painting
- 21 of [REDACTED] also, and then I had sceneries from Sweat.
- 22 Q How many?
- 23 A That, I'm not sure. I would have to say at least
- 24 five.
- 25 Q And how were these -- how were these paintings and

1 sketches from Matt and Sweat commissioned? Just describe
2 the process in general. Was it the same process? Did you
3 provide either Matt or Sweat with a picture?

4 A Yes, yes.

5 Q And then they would --

6 A Draw it up.

7 Q Okay, and then they would give it to you?

8 A Yes.

9 Q In return for painting you these pictures and
10 drawing these sketches, what did you give to Matt and or
11 Sweat?

12 A I gave Matt paint, some paint brushes, and I gave
13 Sweat paint.

14 Q And nothing more.

15 A Nothing more.

16 Q These guys are working for two months at a time,
17 and they're creating these paintings, some of which may
18 have sold on the internet for high dollar values, and
19 they're just giving them to you.

20 A Yes.

21 Q And they're giving you at least -- I mean you just
22 talked about 17 paintings and sketches.

23 A Roughly, 15, I believe, but yes.

24 Q Okay. What about Mary Lamar, did she receive
25 paintings?

- 1 A No.
- 2 Q Okay, now --
- 3 A I gave her paintings, but she was never involved in
4 any of the paintings.
- 5 Q How many?
- 6 A There would be [REDACTED].
- 7 Q Is it one paintings or three paintings?
- 8 A Three paintings there that I gave her, one of her
9 [REDACTED] painted, and her [REDACTED] sketched, and her [REDACTED].
10 I believe that would be it, yes.
- 11 Q So six paintings you commissioned from Matt for
12 Mary Lamar.
- 13 A I didn't commission him. He just kept asking, Do
14 you want me to paint something for you? Because he would
15 always ask, If I don't have something to paint I'll go
16 crazy. I said, Here, paint this.
- 17 Q So it was like therapy for Matt.
- 18 A Yes, that's how I understood it to be, which it did
19 appear to work.
- 20 Q Yeah, up to a point. So these paintings and this
21 sketch for Mary Lamar, what period of time was this taking
22 place? Is there six? I think you just described six
23 paintings and sketches total.
- 24 A That would have started right from, probably, 2008.
- 25 Q And when did it end? When did it end? When did

- 1 you receive the last painting or sketch for Mary Lamar?
- 2 A 2014.
- 3 Q Okay, so during this period, as Matt finished each
- 4 successive painting, would you present it to Mary Lamar?
- 5 A Yes.
- 6 Q Okay, and what was her -- how did she receive them?
- 7 A She liked the pictures.
- 8 Q Did she know where they were coming from?
- 9 A Yes.
- 10 Q Okay. It says Matt in the bottom corner?
- 11 A Yes.
- 12 Q She knew who Matt was.
- 13 A Yes.
- 14 Q And what did she think of that? Did she tell you
- 15 what she thought of that?
- 16 A Of the quality of the paintings?
- 17 Q Or of the fact that they were coming from an
- 18 inmate.
- 19 A She wasn't always comfortable with that.
- 20 Q Okay, but, none the less, she allowed them to be
- 21 brought into her house and received.
- 22 A Yes. They weren't displayed, but they were --
- 23 Q They weren't? They weren't displayed.
- 24 A No.
- 25 Q Okay, why is that?

- 1 A I don't think she liked the idea that an inmate had
2 painted paintings.
- 3 Q So during all of these years you're having numerous
4 paintings commissioned or sought -- you're getting
5 numerous paintings from Matt, and you're presenting them
6 to Mary, and she is not mounting any of them on the wall?
- 7 A No. Two of them, [REDACTED].
- 8 Q Okay, so you're just trying and trying again.
- 9 A Yes, but she was -- she was distant --
- 10 Q Okay.
- 11 A -- towards inmates.
- 12 Q Is it your testimony that she did not solicit any
13 of these paintings?
- 14 A Oh, yes, she did not at any time, not at any time.
- 15 Q Did she ever visit Matt in his cell?
- 16 A No.
- 17 Q You're certain of this.
- 18 A No. She -- no, I'm not certain of that. She would
19 have gone down and observed some of his paintings, I
20 believe.
- 21 Q She would have gone down and observed some of
22 his --
- 23 A Yes, I would think so.
- 24 Q So she would have gone to the cell.
- 25 A Yes.

1 Q So she was aware when he was painting some of the
2 paintings that they were ongoing.

3 A None that I had made for her except for [REDACTED],
4 I believe.

5 Q Okay, so she was aware that [REDACTED] painting
6 was --

7 A Yes.

8 Q -- being painted. And how do you know that?

9 A Because I told her about it.

10 Q But did she tell you that she went to the cell and
11 saw her -- to Matt's cell and saw [REDACTED] painting?

12 A Yes.

13 Q She did. And what happened when she saw her
14 [REDACTED] painting? Did she say?

15 A She was pleased with the painting.

16 Q Okay.

17 BY [REDACTED]

18 Q She never told you to stop bringing paintings. She
19 never told you to stop bringing paintings home.

20 A No.

21 BY [REDACTED]

22 Q Are other correction officers or civilian employees
23 involved in this -- are you -- are you Matt's agent for
24 the paintings? Are there other correction officers that
25 are doing the same thing, that are moving Matt's paintings

- 1 around?
- 2 A I would think there were.
- 3 Q You would think there were.
- 4 A Yes.
- 5 Q Why would you think that?
- 6 A Well, he didn't always lock in A block. He locked
- 7 in upper H block.
- 8 Q For the eight years.
- 9 A Yes.
- 10 Q Okay.
- 11 A And he also, I believe, he locked in dog block and
- 12 maybe [REDACTED] block, so that's -- I wouldn't be
- 13 surprised that he, while he was out of the block, he did
- 14 paintings for those staff members too.
- 15 Q Okay, so there were periods when he was assigned to
- 16 B block and C block, but we're talking about the period
- 17 that he -- we're talking about the period that he was in A
- 18 block. During that eight years, he primarily was in A
- 19 block, no? Is that correct?
- 20 A Yes.
- 21 Q Okay, and did you observe other either correction
- 22 officers, Clinton staffers who also were engaged in like
- 23 being Matt's liaison or being Matt's agent for his
- 24 paintings?
- 25 A No.

- 1 Q Was it solely you?
- 2 A Yes.
- 3 Q Okay, and why was that?
- 4 A Because I dealt with him. He was on my gallery. I
- 5 dealt with him all the time.
- 6 Q So Matt is not only giving you a very large number
- 7 of paintings over years, providing you with rat
- 8 information, he's giving you a lot. What are you
- 9 getting -- what are you giving him in return?
- 10 A Oh, just those two paint -- the paint brushes and
- 11 the paints that I gave.
- 12 Q So the paint --
- 13 A That was it.
- 14 Q So the paint brushes and the paint that you gave
- 15 him in return for painting you, well, I don't know, more
- 16 than a dozen paintings and providing you with rat
- 17 information?
- 18 A Yes.
- 19 Q It seems a little lopsided, no?
- 20 A It would be, but that's what happened.
- 21 Q Speaking of the paint and the paint brushes that
- 22 you gave him, on how many occasions did you give him paint
- 23 other than what you provided through from [REDACTED]
- 24 A Twice.
- 25 Q Twice on your own.

- 1 A Yes.
- 2 Q You went to the store and purchased paint.
- 3 A Yes.
- 4 Q And what quantity of paint?
- 5 A It was white, white zinc, I believe is the title of
- 6 the paint.
- 7 Q Tube?
- 8 A A tube, yes.
- 9 Q So two tubes of white zinc paint?
- 10 A I believe so.
- 11 Q How many paint brushes?
- 12 A Maybe, three.
- 13 Q Okay. Are you permitted to provide those to
- 14 inmates, or did you bring them right in through the front
- 15 door?
- 16 A Brought them right in.
- 17 Q Okay, is that something that would be permitted
- 18 or --
- 19 A No.
- 20 Q It would not be. You brought them in the front
- 21 door with no questions asked.
- 22 A Correct.
- 23 Q Bags not searched.
- 24 A Correct.
- 25 Q Bags are never searched.

- 1 A Now they are.
- 2 Q Prior to the escape.
- 3 A No.
- 4 Q When you're eight years on A block --
- 5 A Well, take that back.
- 6 Q Okay.
- 7 A When you bring your bags in, they would search your
- 8 lunch bag or whatever backpack you have. They wouldn't
- 9 actually search you.
- 10 Q Okay, they search your bag or your backpack. How
- 11 do they do that?
- 12 A You would have to put it on the table, and the
- 13 officer would go through the items.
- 14 Q But he didn't find your paint.
- 15 A No.
- 16 Q And he didn't care about the paintings that were
- 17 leaving the facility.
- 18 A No.
- 19 Q Okay, it doesn't sound like a good search, right?
- 20 A Well, they don't, because I put them in my pocket
- 21 so they wouldn't have searched me.
- 22 Q Okay, and you don't have to go through the
- 23 magnetometer.
- 24 A No.
- 25 Q Not even upon entry.

1 A No.

2 Q In your eight years ever have to go through the
3 magnetometer?

4 A No.

5 Q Okay.

6 BY [REDACTED]

7 Q Is there another officer allowed to frisk you, to
8 search you, put his hands on you?

9 A There's an officer down there, but that's not
10 implemented.

11 Q Is he allowed to per your contract?

12 A Per contract, not an officer. I think it may have
13 to be a sergeant or above that is authorized to pat you
14 down.

15 Q Does he have to have cause to pat you down?

16 A Yes.

17 Q Does he have to tell you what that cause is?

18 A I don't know if he has to notify me.

19 Q That's right in your contract, though?

20 A I believe it is under the contract.

21 Q Are all officers aware of that? Are all officers
22 aware of that?

23 A I don't know that all officers are aware of that
24 procedure.

25

1 BY [REDACTED]

2 Q I think you testified that you certainly didn't
3 give anything to Matt in return for the paintings besides
4 the paint and the paint brushes, is that correct?

5 A I think I might have given him -- I did give him a
6 left-over lunch once.

7 Q Okay, besides that.

8 A I think that was all.

9 Q Okay, and you're not aware of these other
10 individuals we mentioned -- Allen Trombley, Mary Lamar,
11 [REDACTED] [REDACTED] [REDACTED] and [REDACTED], Thomas
12 LaValley, [REDACTED] -- you're not aware of them giving
13 Matt anything in return for the paintings.

14 A No.

15 Q Cash? No cash.

16 A No.

17 Q Drugs.

18 A No.

19 Q Alcohol.

20 A No.

21 Q Privileges.

22 A No.

23 Q Nothing.

24 A Not that I'm aware of.

25 Q Do you know if -- do you know if anyone ever

1 deposited money into Matt's account for a third-party for
2 a painting?

3 A No.

4 Q Are you aware anybody mailing money to Matt's
5 daughter?

6 A Not that I'm aware of.

7 Q You took a bit -- a good bit of time to answer
8 that. Why would that be?

9 A Say it again.

10 Q You took a little bit to think about that. Why
11 would that be?

12 A I'm not sure if [REDACTED] did.

13 Q [REDACTED]

14 A He was the inmate that had [REDACTED]. I
15 don't know that he had mailed any money to her, but nobody
16 that we've spoke of. No, I'm not aware of that.

17 Q Are you aware of any rumors to that effect, that
18 people would pay Matt's [REDACTED] so that the money could
19 end up in his account for these paintings?

20 A No.

21 Q And certainly none of the paintings that you
22 received did money -- did money change hands and end up in
23 his --

24 A No.

25 Q -- account. You're certain of that.

- 1 A Oh, yes.
- 2 Q Okay. After the escape a number of the paintings
3 were destroyed, is that correct?
- 4 A Yes.
- 5 Q And a number of the sketches were either destroyed
6 or buried under leaves, is that --
- 7 A Yes.
- 8 Q -- correct? Did you -- did you destroy these
9 paintings?
- 10 A Yes.
- 11 Q Did Mary Lamar play a role in the destruction of
12 these --
- 13 A No.
- 14 Q -- paintings? No role whatsoever.
- 15 A No.
- 16 Q Was she there when you were burning the paintings?
- 17 A She was in the house when I was outside burning
18 them.
- 19 Q She was aware you were burning the paintings?
- 20 A Yes.
- 21 Q She was not -- she did not actually --
- 22 A No.
- 23 Q -- stand by the fire and burn the paintings with
24 you.
- 25 A No.

1 Q And that's your testimony today. You're certain of
2 that.

3 A Oh, yes.

4 Q Okay.

5 BY [REDACTED]

6 Q Was she on the look-out to make sure no one --

7 A No.

8 Q -- pulled up the driveway?

9 A No.

10 BY [REDACTED]

11 Q At that time I believe Sweat had a number -- you
12 had received a number of paintings from Sweat, is that
13 correct?

14 A Yes.

15 Q Were there sketches also or just paintings?

16 A I believe they're all paintings.

17 Q Okay. When you received them, what did you do with
18 them?

19 A I just kept them in a pile.

20 Q Never displayed them?

21 A No.

22 Q Okay, did they remain wrapped?

23 A They were wrapped, yes.

24 Q Why did they remain wrapped?

25 A Why did they remain wrapped?

- 1 Q Yes.
- 2 A I just never took them out of the wrappings.
- 3 Q Okay, so there's a number of paintings in your
- 4 house from Sweat and Matt that are just -- Mary doesn't
- 5 want them on the wall for the Matt ones; and Sweat, you
- 6 just never opened them up.
- 7 A Correct.
- 8 Q Okay. Were you ever intending on reselling --
- 9 A No.
- 10 Q -- any of those? But yet they remained wrapped up.
- 11 A Yes.
- 12 Q Okay, and just stored.
- 13 A Yes.
- 14 Q Okay. Why would you receive more paintings from
- 15 Sweat if you're not intending on even looking at them?
- 16 A I just kept them in a pile.
- 17 Q But why?
- 18 A Well, for one, so that Mary wouldn't see all of the
- 19 paintings.
- 20 Q But why continue to receive items that you don't
- 21 either want or want to have displayed? Why are you --
- 22 you're just amassing a pile of paintings?
- 23 A Pretty much, yes.
- 24 Q Just, why?
- 25 A I just did, that's --

- 1 Q Okay.
- 2 BY [REDACTED]
- 3 Q Would Matt ever leave anything in his cell even
- 4 when he's at the tailor shop and have you go back and
- 5 fetch something from his cell, somewhere you could reach
- 6 through the bars and grab it?
- 7 A No.
- 8 Q Not a painting already wrapped up?
- 9 A Well, the painting from Mitchell.
- 10 Q But he wasn't in the cell, but you were able to
- 11 access the painting and bring it out of the cell,
- 12 correct?
- 13 A Yes. I believe that might have been the dogs,
- 14 possibly.
- 15 Q Did you ever -- did you ever escort Matt back from
- 16 the tailor shop to get a painting in his cell?
- 17 A No.
- 18 BY [REDACTED]
- 19 Q Did you ever leave anything in his cell?
- 20 A No.
- 21 Q The same way that you picked up the paintings?
- 22 A No.
- 23 BY [REDACTED]
- 24 Q Did Matt sign all of his paintings?
- 25 A I believe he did.

1 Q And that was visible usually on the bottom right
2 corner?

3 A Yes.

4 Q Did you ever see paintings by Matt with your own
5 eyes that weren't signed by him?

6 A No.

7 Q Did you ever see paintings that Matt produced in
8 anyone else's residences?

9 A No.

10 Q Or camps or anything like that?

11 A No.

12 Q Vehicles?

13 BY [REDACTED]

14 Q Mr. Palmer, the day that you were burning the
15 paintings, what caused you to burn the paintings on that
16 day?

17 A The first reason was I didn't want to have those
18 and then have somebody get killed and have blood on my
19 hands, and then the second out of fear.

20 Q Of what?

21 A And that would be the two reasons.

22 Q What were you fearful of?

23 A That I would be tied into the escape.

24 Q And you were with Mary Lamar that day?

25 A Yes.

1 Q How long was your relationship -- how long have you
2 been in this relationship?

3 A Nine years.

4 Q And she was living with you.

5 A Yes.

6 Q And those two reasons that you just communicated to
7 me, did you communicate those two reasons to Mary as well?

8 A Yes. I told her that I was going to burn the
9 paintings.

10 Q And did you tell her that day or another time?

11 A That day that I burned those paintings.

12 Q And what was she doing at the time that you were
13 going around getting the paintings in your house?

14 A I believe she was in the kitchen.

15 Q What was she doing?

16 BY [REDACTED]

17 Q That's your residence on [REDACTED]?

18 A That's her residence.

19 BY [REDACTED]

20 Q And she saw you taking the paintings?

21 A I believe so.

22 Q And take them out of the home?

23 A Yes.

24 Q And bring them in the backyard?

25 A I don't know that she saw where I burned them,

1 but --

2 Q Clearly, she knew that you were taking the
3 paintings out to the yard.

4 A Because I told her I was taking them out.

5 Q What did she say back to you after you told her
6 that you were going to burn the paintings?

7 A Well, I don't recall that. Possibly, that -- I
8 don't remember all she had said.

9 Q Did she tell you not to do it?

10 A That I had to do it?

11 Q Did she tell you not to do it?

12 A No.

13 Q Did she encourage you to do it?

14 A After I said I was going to burn the paintings.

15 Q So there was a conversation where she also
16 encouraged you to burn the paintings.

17 A She didn't encourage me, but she didn't stop me
18 from burning them.

19 Q Why don't you tell me, rather than me guessing the
20 conversation of the two of you. Why don't you tell me
21 about that conversation.

22 A Because I don't really recall all of that.

23 Q Try.

24 A Maybe I'll help you burn those paintings?

25 Q Okay. Did you talk about how you were going to

- 1 burn the paintings?
- 2 A I put them in the fireplace and light them on fire.
- 3 Q Did you use anything to light them on fire?
- 4 A Gasoline.
- 5 Q Did you tell her you were going to use gasoline to
- 6 do that?
- 7 A I don't recall that I said that, but I may have.
- 8 Q Where did you get the gasoline from?
- 9 A Out of the shed.
- 10 Q Which was located where?
- 11 A Right behind the fire pit.
- 12 Q Did she at any time, while you were bringing the
- 13 paintings to the backyard or while you were burning them,
- 14 come to that particular area or come to the yard?
- 15 A No.
- 16 Q After they were burned, did she come to the yard
- 17 and look at the paintings that were burned?
- 18 A No.
- 19 Q After you finished burning the paintings or were in
- 20 the process, did you come back in and tell her that you
- 21 did indeed burn the paintings?
- 22 A Yes.
- 23 Q And what did she say to you then?
- 24 A Maybe that she was glad that I burned them because
- 25 that's blood on your hands. If somebody would have gotten

1 killed, you wouldn't want to possess those.

2 Q They were in her house as well, weren't they?

3 A Yes.

4 Q Did she have any concerns about her own well-being?

5 A Yes.

6 Q What did she say?

7 A That she didn't want to have blood on her -- well,
8 she didn't say blood on her hands, but the same principle
9 was the guilt that would come from possessing a murderer's
10 paintings after somebody was killed on the street.

11 Q Okay, thank you.

12 BY [REDACTED]

13 Q New topic.

14 [REDACTED] I'm sorry, one more.

15 BY [REDACTED]

16 Q There was a time that the State Police came to
17 Mary's house to execute a search warrant and while you and
18 Mary were present with your dog.

19 A Yes.

20 Q Correct? And you left together with her, correct?

21 A Yes.

22 Q What did you discuss in the truck as you were
23 leaving?

24 A That, I don't recall.

25 Q The State Police are at your shared home, and

1 they're executing search warrants, going through your
2 drawers, and you don't recall -- that's a pretty big event
3 in your life.

4 A Yes.

5 Q Correct?

6 A Well, I don't know the exact words we used, but
7 what were we going to do? What was this implying, and
8 that we would go to Scott Giguere's house.

9 Q Go to Scott --

10 A Yes.

11 Q -- Giguere's? For what?

12 A Because we had nowhere to go. We couldn't -- we
13 ended up going to a hotel, but we went to his house at
14 1:30 in the morning and inquired, spoke with him about
15 what was going on.

16 Q Were there discussions about what they might find
17 in your home, in your shared home?

18 A With Scott?

19 Q With, with -- between each other, between you and
20 Mary were there discussions while you were traveling to
21 Scott Giguere's about what they might find?

22 A No, but they did take all the computers, and they
23 took the cell phones, camera, and they took [REDACTED]
24 paintings and [REDACTED] -- and [REDACTED] paintings also.
25 What I understood, they had to take all of the other

1 paintings because [REDACTED] do
2 paintings for us, not for me, but they had done for Mary
3 when they were younger.

4 Q And was that -- just for the record, was that
5 before or after you had burned the paintings that the
6 State Police came to your house?

7 A I burned them before they came.

8 Q So you weren't worried about them finding the
9 paintings at that time.

10 A No.

11 Q Anything else you recall discussing in the car with
12 her?

13 A Nothing that comes to mind.

14 Q Did she say anything to you?

15 A I'm sure she did, but I don't remember the phrases
16 or what, just what we were going to do and what was this
17 coming to.

18 BY [REDACTED]

19 Q Was she pleased or displeased?

20 A Most likely, I would think she was displeased in
21 me.

22 Q Did she articulate that? Did she articulate that
23 when you were in the truck?

24 A I don't recall, but it wouldn't surprise me that
25 she had.

1 BY [REDACTED]

2 Q Well, we don't want you to speculate. Do you
3 recall her asking you if she had -- if you had anything to
4 do the escape?

5 A Oh, I believe that would be true.

6 Q What did she say?

7 A I'm going to be guessing with that, if she asked me
8 if I had anything to do with the escape.

9 Q And at this point you knew it was Matt and Sweat
10 that had escaped.

11 A Oh, yes. Oh, yes.

12 Q And you both worked in the tailor shops. You both
13 had been on -- in A block. You both knew Matt and Sweat,
14 correct?

15 A Yes.

16 Q So what did she ask you specifically about your
17 contact with them that could lead to a search of the
18 house?

19 A I don't recall that.

20 Q No recollection? That's a huge event.

21 A Yes, it would be, but I don't recall any of the
22 exact questions that she had, but it wouldn't surprise me
23 that she asked me if I had anything to do with the escape.
24 That would be common sense that she would have asked that.

25 Q She didn't say don't tell me anything about what

1 you know about Matt and Sweat.

2 A Oh, well, yes, through this whole thing she didn't
3 want to know about anything.

4 Q She didn't want to know anything about the escape?

5 A No, not the escape but my dealings with Matt.

6 Q But there was a discussion about your dealings with
7 Matt because she was concerned.

8 A I --

9 Q You clearly discussed why the State Police had come
10 to your shared home, correct?

11 A Well, yes, we had inquired about that.

12 Q Yeah, but amongst -- between you and Mary Lamar you
13 discussed -- did she say to you: Are they going to find
14 anything there, Gene? Are they going to find something,
15 or should I be worried that they're going to find
16 something at the house? Did she say that to you?

17 A She could have.

18 Q Again, I don't want you to speculate.

19 A I'm just going off of what I can recall because
20 things are happening fast, but if --

21 Q She asked you a series of questions about your
22 knowledge about Matt and Sweat, correct?

23 A I believe that could be possible.

24 Q Well, did she or didn't she? I'm not trying to be
25 difficult here. Did you have a conversation about Matt

1 and Sweat and their escape and why the State Police were
2 at your shared home when they were leaving the home?

3 A We could have, but I don't recall the exact frame
4 of phrases that were used.

5 Q There was a discussion about why the State
6 Police --

7 A Yes.

8 Q -- were there. Is that fair to say?

9 A That would be, yes.

10 Q And you assumed it was due to your involvement with
11 Matt and Sweat.

12 A Yes.

13 Q And you discussed that at the time.

14 A We very well could have, would have.

15 Q You would have.

16 A Yes.

17 Q Okay, and you made a plan to, at least, try to go
18 to Mr. Giguere's house, the other CO.

19 A Yes.

20 Q And he had some paintings that he received from
21 Matt.

22 A No.

23 Q No. What was his connection to Matt?

24 A He didn't really have any connections with him.

25 Q Why did you choose Mr. Giguere's house initially?

1 Why did you think about going there first?

2 A Because we knew him. I dealt with him every day.
3 I worked with him every day.

4 Q And there was no other reason involving Matt or
5 Sweat or Tilly Mitchell with Giguere?

6 A No.

7 BY [REDACTED]

8 Q Did you read the search warrant?

9 A I don't recall. I recall them having a paper, but
10 I don't -- I didn't have my glasses, so I don't recall
11 what it stated.

12 Q Was there any other topic discussed in that vehicle
13 besides why they were there regarding the escape? Were
14 they possibly looking for anything else? Was she
15 concerned that they were looking for additional paintings
16 that you hadn't destroyed or anything like that?

17 A Possibly. I guess that would be reasonable that
18 subject may have come up.

19 BY [REDACTED]

20 Q Did Mary Lamar read the search warrant?

21 A She may have.

22 Q Did she read it? Did you ever hand it to her?

23 A I believe they did, yes.

24 BY [REDACTED]

25 Q New topic. I'd like to discuss the circumstances

1 surrounding your delivery of meat to Matt, okay? So how
2 did this first come to your attention that you were to
3 deliver meat from Joyce Mitchell to Richard Matt?

4 A She had called me on the phone and wanted me to
5 come to the shop.

6 Q And you're certain that Joyce approached you first
7 rather than Matt?

8 A Yes.

9 Q Okay, so continue.

10 A So I went to the shop, and she had -- she pulled
11 out the thing of hamburger, and she wanted me to give that
12 to Matt. And I told her don't be doing this. If he needs
13 something, he'll go through me, but what you're doing,
14 don't be doing what you're doing.

15 Q What time of day was it when she called you?

16 A Maybe, 11:00, or no it wouldn't be 11:00, because
17 they had been at chow. Yes, it would have been, because
18 when they went to chow, that's when I went to the shop.

19 Q How did she reach out to you?

20 A She called me on the telephone.

21 Q A work telephone or what telephone?

22 A No, the library telephone.

23 Q Okay, and so this is around, I'm sorry, around
24 11:00, you say?

25 A By the time I got there would have been around

1 11:00.

2 Q At 11:00, who else is present?

3 A Nobody.

4 Q And was that done intentionally? Do you know, did
5 she say please come down now?

6 A Yes, come to the shop while they go to chow.

7 Q Okay, so what happened next?

8 A So I went and saw her, and she showed me the
9 hamburg, and she said I want you to give this to Matt.
10 And I said you shouldn't be doing this, what you're doing.
11 Don't be doing this. If he wants something, he'll go
12 through me.

13 Q Okay, a couple questions. Why is she reaching out
14 to you to deliver meat to Matt?

15 A Because I knew that he ratted out, and she knew
16 that he ratted out too in the shop.

17 Q Okay, so because he was your informant?

18 A Yes, and worked for her too and kept her abreast of
19 what was going on, or at least I assume he kept her
20 abreast, or however it's pronounced.

21 Q Okay, so it's around mess time, chow time, and
22 you're -- you went to the shop, the tailor shop, tailor
23 shop 1.

24 A Yes.

25 Q At Tilly's -- at Joyce Mitchell's request, and she

- 1 asked you to go bring over meat to Matt.
- 2 A Yes.
- 3 Q Okay, did she say why she was giving Matt meat?
- 4 A No.
- 5 Q Did you ask her why she was giving Matt meat?
- 6 A No.
- 7 Q Did this seem unusual to you?
- 8 A I knew we were in a gray area with the meat.
- 9 Q But not something so gray that you wouldn't
- 10 question her.
- 11 A No, because that he had helped out in the shop.
- 12 Q Do civilians or COs, on occasion, bring meat into
- 13 inmates?
- 14 A Or after they've completed their meal, like
- 15 officers bring in deer meat, venison. After they cook up,
- 16 whatever is left they would give to the porter.
- 17 Q Okay, around holiday times to the --
- 18 A Yes, or whatever. It didn't matter if it was
- 19 holiday. If you cooked up breakfast, lunch and dinner,
- 20 whatever food was left over, a lot of times you would give
- 21 the food to the porter, and then he would do all the
- 22 dishes.
- 23 Q Okay, but she didn't tell you the reason why she
- 24 was giving Matt a big chunk of meat.
- 25 A No.

1 Q And you didn't ask her.

2 A No. I just told her don't be doing that. What
3 you're doing is wrong. If you need something, go through
4 me.

5 Q And so why did you instruct her?

6 A Because that wasn't the protocol for a woman to be
7 doing that.

8 Q Okay, it's okay if you were doing it, but not so
9 much if Joyce is doing it.

10 A Yes.

11 Q And why is it okay if you're doing it?

12 A Well, it's not okay.

13 Q Okay, why did you --

14 A It's a more controlled event.

15 Q Describe what you mean.

16 A Whereas, in it's a gray area of -- just a gray
17 area.

18 Q But if you do it rather than Joyce doing it --

19 A It's still wrong.

20 Q But it's somehow more controlled and it's --

21 A Yes.

22 Q -- safer or what's the reason? Why didn't Joyce
23 just give -- give Matt the meat?

24 A He probably went out, looking back, because he
25 wasn't going to be able to get that back for that metal

1 detector, now that you find out that there's some saws in
2 there. So the only way they could get that back is bring
3 it -- have me bring it back. That's why she couldn't give
4 it to him.

5 Q Okay, what day of the week did this happen on?

6 A That happened on a Friday.

7 Q Okay, and so did you bring the meat to Matt?

8 A Not on Friday.

9 Q Okay, what did you do next? Why did you not --

10 A I got busy. I don't recall what happened Friday,
11 but I couldn't do it, and then I came back, and I believe
12 it was Saturday that I went to the shop and brought it
13 back to him.

14 Q Okay, you said you don't recall why you didn't
15 deliver it on Friday.

16 A Yeah, I got busy. I got backed up with calls,
17 escorts.

18 Q But that's your -- that's your function, right?
19 You're waiting outside the tailor shops to bring people --
20 bring inmates places, right?

21 A Yes.

22 Q And so you didn't have a chance after lunch --

23 A Correct.

24 Q -- the remainder of the day to bring this meat to
25 Matt.

- 1 A Yes.
- 2 Q Okay, so I'm sorry to interrupt. The next day is
- 3 Saturday, what happens?
- 4 A Yes, I went -- I believe it was Saturday that I
- 5 went and got the meat and then brought it to his cell.
- 6 And then I told him I don't want to know anything about
- 7 this, get rid of it. I don't want to know nothing about
- 8 this.
- 9 Q When ask Joyce Mitchell handed you the meat, what
- 10 did it look like?
- 11 A It was a package like you bought it from a store.
- 12 Q Okay, which means what?
- 13 A That it would appear that it had come from a store.
- 14 Q Was it wrapped in cellophane?
- 15 A Yes.
- 16 Q And did it have like a white styrofoam backing?
- 17 A Yes.
- 18 Q Okay, so she hands you -- what are the dimensions
- 19 of this meat?
- 20 A I guess it would be about this size. (Indicating.)
- 21 Q Okay, what is she -- this is Friday -- a Friday
- 22 around 11:00. She's showing you this meat in the tailor
- 23 shops, and no one else is present, is that correct?
- 24 A Correct.
- 25 Q And so where is she standing when she's showing you

- 1 this meat?
- 2 A By the refrigerator.
- 3 Q She's standing by the refrigerator.
- 4 A Yes.
- 5 Q Okay, and she has the meat in her hand?
- 6 A Yes. She took it out of the freezer.
- 7 Q She took it out of the freezer, and she shows you a
- 8 block of meat.
- 9 A Yes.
- 10 Q And is that meat -- is there anything else with the
- 11 meat?
- 12 A Yes, she had -- I believe there was two tubes of
- 13 paint and there was a green bag.
- 14 Q And they're just sitting on top of the meat or are
- 15 they in another bag?
- 16 A They were all together. She took it -- I believe
- 17 -- for some reason, I think she took the meat out of the
- 18 green bag, but I believe the bag with the meat was in the
- 19 refrigerator -- the freezer.
- 20 Q Okay, so when you got there, she removed something
- 21 from the refrigerator -- or the freezer.
- 22 A Yes.
- 23 Q And at that time is it a green bag with items in
- 24 it?
- 25 A I don't recall that --

- 1 Q Okay.
- 2 A -- the scenario, how that ended up in the green
3 bag, but, said and done, Saturday, the paint and the meat
4 were in the green bag in the freezer.
- 5 Q Okay, but let's get this -- start with Friday. On
6 Friday when you're looking at it, she's showing you a
7 block of meat, and she's showing you two tubes of paint.
8 Are they the standard paint size tubes of five or six
9 inches or --
- 10 A Yes.
- 11 Q What are they?
- 12 A Yes.
- 13 Q Okay, and she's showing you some other kind of bag?
- 14 A Yes, a green brag.
- 15 Q A green bag, and these are all contained within
16 another bag, or they're not contained --
- 17 A No.
- 18 Q -- within another bag?
- 19 A They're just all in that one bag. I believe that's
20 -- yes, I believe so. That was the -- they're all in one
21 bag.
- 22 Q They're all in one bag at that point.
- 23 A Yes.
- 24 Q So the bag has three items: Meat -- I'm sorry,
25 four items: Meat, two tubes and another green, rolled up

- 1 bag.
- 2 A It was cloth, but I don't recall there was anything
3 in that.
- 4 Q Okay, well, tell me about that. On Friday, did you
5 -- that other green bag that's inside the larger bag, did
6 you open it?
- 7 A No.
- 8 Q Did you touch it?
- 9 A I believe I picked everything, touched, yes.
- 10 Q Why didn't you open it?
- 11 A I didn't feel anything in it. I don't recall there
12 was anything in that container -- not container, but the
13 bag that was wrapped.
- 14 Q Did Joyce say, hey, I'm giving him meat? I'm
15 giving him paint? I'm giving him this green bag?
- 16 A No, just the meat and the paint.
- 17 Q Okay, she's asking you to deliver something.
- 18 A Yes.
- 19 Q Do you question her, what's the green bag?
- 20 A Well, the big, green bag is a garment bag made out
21 of clothing, and there was just another green rag in
22 there, but I didn't see anything in the green rag.
- 23 Q Okay, but that green rag isn't -- isn't -- of
24 itself, it is a bag, is that correct?
- 25 A No, it was just a rolled up cloth.

1 Q Okay, you've previously described it as a small,
2 green bag inside that was rolled up, is that incorrect?

3 A I would think, yeah. I don't recall it being a
4 rolled up, green bag, but if I described it that way --

5 Q No, no, no, you tell me. What -- what -- what was
6 it?

7 A That, I don't know. It was just another piece of
8 material that was in the bag.

9 Q So she's asking you to move something across to the
10 -- to the blocks.

11 A Yes.

12 Q And it's meat and two tubes of paint and this green
13 thing. You don't know what the green --

14 A A green cloth, yes.

15 Q And --

16 A And all that's in one big, green bag, yes.

17 Q Okay, did you ask Joyce what's the paint for?
18 What's the green bath -- bag or cloth for?

19 A No, I didn't ask her.

20 Q And you didn't look inside this green bag or cloth.

21 A I grabbed it, but I didn't feel anything in it.

22 Q Okay, any concerns about moving things across the
23 block that you don't know what they are?

24 A No, not at that time because I believed it was just
25 straight up hamburger.

1 Q Okay, so what happens on Saturday? You come back
2 on Saturday.

3 A Yes, and I remove it from the freezer.

4 Q The freezer's locked or unlocked?

5 A No, it's unlocked.

6 Q Is that unusual?

7 A Yes, it would be. Normally, you would lock your
8 freezer because that's an employee refrigerator.

9 Q Okay, so are you in the -- were you in the tailor
10 shop by yourself at that point?

11 A Yes.

12 Q You didn't have any inmates in with you?

13 A No.

14 Q Nobody picking up cloths for the showers or --

15 A No.

16 Q -- anything like that?

17 A Because they're all -- they're all -- all in the
18 block. The whole industry is empty.

19 Q Okay, but on occasion inmates do come over with
20 you, right, on the weekends to industry?

21 A We would get white cloths.

22 Q So that happens on occasion.

23 A Yes.

24 Q On this -- on this -- on this Saturday no inmates
25 are with you.

- 1 A Correct.
- 2 Q You're by yourself. What time of day do you pick
3 up this package?
- 4 A Maybe, 12:30.
- 5 Q 12:30?
- 6 A I'm guessing. I recall it was like noontime.
- 7 Q Around noontime. Do you inform anybody that you
8 were doing this?
- 9 A No.
- 10 Q Your coworkers.
- 11 A No.
- 12 Q No one.
- 13 A No one.
- 14 Q Okay, when you get to the freezer, it's a
15 refrigerator with a freezer inside?
- 16 A Yes.
- 17 Q It's unlocked, you open -- was the item in the
18 freezer?
- 19 A Yes.
- 20 Q Okay, what did you pull out of the freezer?
21 Describe it.
- 22 A I believe the whole bag. The whole container was
23 in there, the bag with the two tubes, the meat and the
24 cloth.
- 25 Q Okay, so two tubes of paint had been placed in the

- 1 freezer overnight. Does that --
- 2 A I would think that would have froze.
- 3 Q Do you think that's kind of odd or --
- 4 A No.
- 5 Q Did she say why she was leaving it in the freezer?
- 6 A No.
- 7 Q Okay, and at that point do you look inside that
- 8 green cloth or bag?
- 9 A I don't know that I looked at it that day. I may
- 10 have, but I don't recall.
- 11 Q Any concerns about bringing something from the
- 12 tailor shop to the block without, you know, knowing
- 13 what's --
- 14 A No, because, because he was giving up information.
- 15 If it would have been other inmates, that wouldn't have
- 16 taken place, but what was going on was the information
- 17 that he would provide.
- 18 Q What about any concerns about the contents of that
- 19 bag?
- 20 A No. Now I do, but --
- 21 Q Any concerns that there could have been, in that
- 22 smaller green bag, there could have been drugs? There
- 23 could have been a razor blade? There could have been
- 24 something dangerous to staffers?
- 25 A No, because I recall squeezing that cloth.

- 1 Q So you squeezed it.
- 2 A Yeah, but I didn't open it up, but I didn't find
- 3 any hard items in it.
- 4 Q Okay, but you didn't question her why she's sending
- 5 a piece of cloth --
- 6 A No.
- 7 Q -- or a bag to Matt.
- 8 A No, that was coming, though, but I was going on
- 9 vacation Monday.
- 10 Q Okay, describe your route from the tailor shops
- 11 back to Matt's cell on that day.
- 12 A I went -- left the shops, and I believe I went
- 13 through B block corridor.
- 14 Q Okay, you were unaccompanied.
- 15 A Yes.
- 16 Q You don't need to go through a frisker or a
- 17 magnetometer or --
- 18 A No.
- 19 Q -- a wand?
- 20 A No.
- 21 Q Were you concerned about the package?
- 22 A No.
- 23 Q Did you bother to scan it?
- 24 A No.
- 25 Q Why?

- 1 A I had assumed that it was all hamburger.
- 2 Q Okay, okay, so you bring it back to A block, is
- 3 that correct?
- 4 A Yes.
- 5 Q And so what happens next?
- 6 A I went up to Matt's cell, and I handed it to him.
- 7 I told him I don't know -- want to know anything about
- 8 this. Get rid of it.
- 9 Q Okay, so you hand him the meat or the entire bag?
- 10 A The entire bag.
- 11 Q The entire bag fits through the --
- 12 A Yes.
- 13 Q -- the bars or you had to open the cell?
- 14 A No, fits through the bars.
- 15 Q Okay, and when you handed it to him what did he
- 16 say?
- 17 A Thank you, I guess. I'm not sure what he said.
- 18 Q Okay, did he -- did he say he was going to cook the
- 19 meat?
- 20 A I think so, that he was going to cook it up and
- 21 make a meal out of it.
- 22 Q He was expecting this meat.
- 23 A Well, now I would think he was because she must
- 24 have told him that he was.
- 25 Q But not now, at that time did you recollect that he

1 seemed to be expecting the meat? It wasn't like oh, my
2 God, what's this? It was more like, oh, thank you, I've
3 been waiting for this.

4 A No, he didn't phrase it that way.

5 Q No.

6 A I don't recall exactly what he had said, but he
7 didn't look surprised.

8 Q Did he, ultimately, cook the meat?

9 A I believe he did.

10 Q And did you share that meat with him?

11 A No.

12 Q You did not? You did not?

13 A Well, now, wait a minute here. For some reason, I
14 think he may have made a feed-up tray, cooked a meal, yes.

15 Q And he gave you some of it?

16 A Yes.

17 Q And you ate it.

18 A I don't remember if I ate it or not or if I threw
19 it away. Yes, I may have eaten it.

20 Q Was the meat ground beef?

21 A Yes.

22 Q The wrap, the package that it was wrapped in, did
23 it have a bar code?

24 A No.

25 Q A price? No bar code.

- 1 A No.
- 2 Q No price.
- 3 A No.
- 4 Q Did that strike you as odd?
- 5 A No.
- 6 Q It didn't, and why is that?
- 7 A Now, looking back, when the trooper asked me about
- 8 that, now, looking back, that was odd that it didn't have
- 9 any bar code on it.
- 10 Q Was there anything else delivered in terms of meat
- 11 on that day to Matt?
- 12 A No.
- 13 Q Were there chicken filets?
- 14 A No, not that I'm aware of.
- 15 Q No chicken filets.
- 16 A No.
- 17 Q Do you recall anything in that time period, or do
- 18 you recall ever delivering any kind of chicken filets to
- 19 either Matt or Sweat?
- 20 A Nothing that comes to recollection.
- 21 Q Okay.
- 22 A No.
- 23 Q Does the commissary carry chicken filets?
- 24 A They could. I wouldn't be surprised that they do.
- 25 Q Could you have delivered something from the

- 1 commissary to Matt or Sweat?
- 2 A No.
- 3 Q Chicken filets? No?
- 4 A No.
- 5 Q Okay. Other than this, this item of meat, the two
- 6 tubes and the green bag, anything else went to Matt on
- 7 that -- on that --
- 8 A No.
- 9 Q -- occasion? That was it.
- 10 A Yes.
- 11 Q Why did you instruct him, I don't want to know
- 12 anything about this or -- I'm paraphrasing. Why did you
- 13 instruct him that?
- 14 A Because I knew that we were in a gray area with her
- 15 giving him that meat.
- 16 Q But she hadn't -- this is -- this was a first for
- 17 you. You're delivering a -- was this a first for you?
- 18 A Yes.
- 19 Q Really? Okay. Did Sweat ever speak about this
- 20 delivery of meat?
- 21 A No.
- 22 Q No? Did Matt ever speak about it again after that
- 23 -- after that day?
- 24 A No, because I was on vacation Monday.
- 25 Q Sure, okay. Yeah, so I had a question about the

1 dates, so when did your vacation begin?

2 A It started that Monday.

3 Q Okay, and that Monday would be the 1st of June, is
4 it, or what is that?

5 A It would be, yeah, June 1st because June 6th was
6 Saturday, so that would be June 1st.

7 Q So you worked Saturday, Sunday, and then you went
8 on vacation on Monday.

9 A Yes.

10 Q And of that date, are you absolutely certain that
11 was when you delivered the meat?

12 A I'm pretty sure it was Saturday.

13 Q Right, I understand it was a Saturday, but you're
14 absolutely certain it was the Saturday just prior to --

15 A Oh, yes.

16 Q -- your vacation.

17 A Oh, yes, because I was going to talk to Joyce
18 Miller -- Tilly when I got back about her dress code and
19 the meat, but I was going on vacation.

20 Q Right, now her dress code began one -- two weeks
21 prior to the -- to the escape, I think you said earlier,
22 so it began in late --

23 A Yes.

24 Q Right? So is there a possibility, rather than the
25 Saturday the 30th, it could have been the week before or

- 1 even the week before that that you brought this meat?
- 2 A Oh, no, it was that -- specifically that day.
- 3 Q You're absolutely certain.
- 4 A Yes, I am.
- 5 Q And why is that?
- 6 A Because I recall that.
- 7 Q Okay, so you brought the meat on Saturday. On
- 8 Sunday you worked one more day. On Monday you're on
- 9 vacation.
- 10 A Yes.
- 11 Q Okay, did you -- I mean is vacation -- do you leave
- 12 for somewhere, or what does your vacation entail?
- 13 A I just stayed home.
- 14 Q Okay, so is vacation significantly different than
- 15 any other day? I mean could it just be like a regular day
- 16 off, an RDO?
- 17 A Well, vacation is multiple days in a row --
- 18 Q Okay.
- 19 A -- versus your regular two days off that you have.
- 20 Q Okay, so that Saturday just prior to your
- 21 vacation --
- 22 A Yes.
- 23 Q -- is with certainty.
- 24 A I'm pretty confident of that.
- 25 Q Pretty confident.

- 1 A Yes.
- 2 Q Was Matt, like, taken aback when you handed him the
3 meat? Was he just like what's going on here?
- 4 A No, he wasn't surprised, so he must have known that
5 she had that meat for him.
- 6 Q But he also wasn't surprised that you were
7 delivering a big hunk of meat to him.
- 8 A No.
- 9 Q This is a new thing for you, you said, but yet he's
10 not surprised?
- 11 A That he's surprised?
- 12 Q Yeah, if this is a new thing, if you hadn't done
13 this in the past, why is he not surprised that you're
14 coming up with a gigantic, a large slab of frozen, ground
15 beef?
- 16 A Well, now, looking back, he knew that that -- she
17 had that meat ready for him.
- 18 Q Right, but why did he -- why wasn't he surprised
19 that you were delivering it?
- 20 A Because I'm sure he probably was briefed that she
21 was going to have me bring that meat back.
- 22 Q Right, but it is contraband.
- 23 A Yes.
- 24 Q No?
- 25 A Yes.

- 1 Q And so you're taking some sort of a risk by
2 delivering this to him, no?
- 3 A I suppose it would be a small risk.
- 4 [REDACTED] Okay, do you have any
5 questions about the 1st?
- 6 Q Okay, had you ever delivered meat to Matt before?
- 7 A No, besides just my lunch.
- 8 Q Besides just your lunch, okay. Have you ever
9 delivered meat or food items to other inmates before?
- 10 A Well, I've had mess hall food that I've given them.
- 11 Q Given who?
- 12 A The inmates in the block.
- 13 Q What inmates?
- 14 A [REDACTED] I believe is his name.
- 15 Q Can you spell that?
- 16 A [REDACTED]
- 17 Q And is that a last name?
- 18 A Yes.
- 19 Q What's the first name?
- 20 A I don't know his first name.
- 21 Q And you had given him what?
- 22 A It would have been baking. It would have been
23 cookie mix.
- 24 Q Cookie mix from where?
- 25 A The mess hall.

- 1 Q Okay.
- 2 [REDACTED] What does that mean? Is
- 3 that like a Bisquick or something?
- 4 THE WITNESS: Yeah, they make
- 5 brownies, brownie mix.
- 6 Q When was this? When did this occur?
- 7 A That would have probably been 2014.
- 8 Q Any other -- did you provide food to any other
- 9 inmates?
- 10 A No.
- 11 Q So just Mr. [REDACTED]
- 12 A Yes.
- 13 Q Okay, what about [REDACTED]
- 14 A Yes. He -- now, he had had food removed from the
- 15 mess hall, too.
- 16 Q Right, and what was that food?
- 17 A I think it was cheese.
- 18 Q Yeah, when was that?
- 19 A That would have, probably, been 2014, also.
- 20 Q 2014? Anything else for [REDACTED]
- 21 A No, just the food items out of the mess hall.
- 22 Q Sure. What other food items, though, other than
- 23 cheese?
- 24 A Sugar, probably, chicken and, probably, fish.
- 25 Q Yeah.

1 A Any of the quality items that they served in the
2 mess hall.

3 Q Like five pounds of fish?

4 A I don't know if it would be five pounds, but
5 whenever they move something, they moved, you know, large
6 quantities, a box of it, a box of --

7 BY [REDACTED]

8 Q Do you know what [REDACTED] -- what's his real name?

9 A If you refresh my memory, I could confirm it, but
10 they called him [REDACTED]

11 Q Was he black or white or --

12 A [REDACTED]

13 Q Is he older or younger than you?

14 A [REDACTED]

15 Q Older than you, at your age?

16 A [REDACTED]

17 BY [REDACTED]

18 Q Is he a [REDACTED] or something? Why do they call him

19 [REDACTED]

20 A I don't know why they called him [REDACTED]

21 Q Okay, five pounds of fish, though, does that ring a
22 bell?

23 A We can go with that, yes.

24 Q I don't want, we can go with that. I mean did
25 he -- did he deliver --

1 A It's vague, but if that's what he had, then that's
2 what he had.

3 Q You're -- you're testifying.

4 BY [REDACTED]

5 Q I don't mean to interrupt. I just get a little
6 frustrated, because it feels like we -- we have to keep
7 pulling this out of you. We're here as part of an
8 agreement that you're supposed to be truthful, and we
9 start a little bit of testimony, and then you can't think
10 of anything else. I can't think of another time I brought
11 meat. I can't think of another time that I've given
12 another inmate stuff, and then, oh, yeah, well, yes, that
13 guy. This is what we're here for, and I'm starting to get
14 -- we've been here a very long time, and I'm starting to
15 get a little frustrated that you're hesitant and halting,
16 and only if we pinpoint certain things that we've already
17 interviewed or that we are aware of, you're giving us that
18 information. Can we start fresh here now at 3:00 to try
19 to -- there's been other times people from the commissary
20 or people from the mess hall, you've gotten food to other
21 inmates, right?

22 A Yes.

23 Q So why are you holding that back? Do you need time
24 to talk to your attorney?

25 A No, I'm good.

1 Q These issues are covered, is my understanding.
2 That's why we have the ADA here.
3 [REDACTED] They're covered. There's
4 no question, they're covered.
5 Q This is the time to tell us about --
6 A Yes.
7 Q -- all of these other deliveries.
8 A Yes.
9 Q What other deliveries were made from food from the
10 mess hall or from the commissary?
11 A The cupcake mix and whatever food --
12 BY [REDACTED]
13 Q I'll help you out. How about [REDACTED],
14 did you ever bring anything to [REDACTED]
15 A Oh, yes. Now, okay, when you say [REDACTED] you're
16 referring to [REDACTED]
17 Q I don't know.
18 [REDACTED] No.
19 Q I don't know. I'm asking --
20 A Because he's [REDACTED]
21 Q It could be.
22 [REDACTED] I don't believe it's the
23 same person, no, no.
24 Q Have you ever brought any food to [REDACTED]
25 [REDACTED] You know who he is.

- 1 A Yes.
- 2 Q Whether his name's [REDACTED] or not, you know who
- 3 [REDACTED] is.
- 4 A Yes.
- 5 Q What did you bring to [REDACTED]
- 6 A I brought him tobacco and food. It was a care
- 7 package.
- 8 Q What kind of care package? Shipped in from the
- 9 outside?
- 10 A No, the inmates put together in a duffle -- not a
- 11 duffle bag, but a swag bag to bring to him because when he
- 12 went to dog block, he didn't have any money and he didn't
- 13 have any tobacco.
- 14 Q So his fellow inmates prepared this?
- 15 A Yes.
- 16 Q And you facilitated --
- 17 A Yes.
- 18 Q All right, any other inmates on that -- on one of
- 19 your companies or in A block that you would have brought
- 20 food to?
- 21 A Nothing that comes to mind unless you --
- 22 BY [REDACTED]
- 23 Q Now you know that Tilly Mitchell was moving all
- 24 kinds of spices and peppers and salts and all those sort
- 25 of things back to the -- back to the inmates?

- 1 A I'm not aware of that.
- 2 Q You never knew that Tilly Mitchell provided pepper
3 to Matt?
- 4 A No.
- 5 Q Salt?
- 6 A No.
- 7 Q Any spices?
- 8 A No. It doesn't surprise --
- 9 Q Coffee.
- 10 A It doesn't surprise me, but no.
- 11 BY [REDACTED]
- 12 Q How about alcohol, did you ever bring alcohol to
13 any of them?
- 14 A No.
- 15 Q Did you ever know any of them using alcohol?
- 16 A Well, I found out afterwards that Tilly had given
17 Matt alcohol.
- 18 Q But you didn't know anything about that or have
19 anything to do with that?
- 20 A No.
- 21 BY [REDACTED]
- 22 Q Any other inmates received meat and food items and
23 fish from you? We got [REDACTED] We got [REDACTED]
24 We got [REDACTED]
- 25 A Not that I can recall.

1 Q What makes you think that the [REDACTED] items are from
2 the commissary or from the mess hall, rather?

3 A Because he worked in the mess hall. That's where
4 he went up to get that stuff.

5 Q Were they -- were they -- how were they wrapped
6 when you picked them up?

7 A Oh, they just had it in a laundry bag wrapped
8 around with a towel.

9 Q So they had fish in a laundry bag wrapped with a
10 towel.

11 A At times, yes. And the fish might have just came
12 in with a straight box.

13 Q Did you ever see food in the chow or mess hall
14 fridges or freezers that -- refrigerators or freezers that
15 appeared to come from outside?

16 A No.

17 Q Never.

18 A No.

19 Q And the five pounds of fish that went to [REDACTED]
20 you're certain that was mess hall or chow food?

21 A Yes, yes.

22 Q Certain.

23 A Pretty confident, yes. I didn't open the box, but
24 I would assume that it would have been.

25 Q And the box or the bag that it was in --

1 A Yes.

2 Q -- was not from an outside --

3 A No.

4 Q -- entity, an outside --

5 A No.

6 Q -- vendor, an outside store.

7 A No.

8 Q No. Certain of that.

9 A Yes.

10 Q Okay. What about another delivery of meat to Matt?

11 This is covered conduct.

12 A No, I don't recall any other meat going to him.

13 Q Think of a very similar situation as the meat

14 delivery you just described in late May, and now we're

15 talking late April, early May, another delivery one month

16 early -- one month prior to the delivery that we just

17 spoke about.

18 A Maybe my lunch.

19 Q No, another delivery of ground beef, frozen ground

20 beef.

21 A Oh, no, I don't recall that.

22 Q Do you want to think about that a little?

23 A Yeah, I don't recall that.

24 Q Did you move ground beef, frozen ground beef from

25 the tailor shop to Matt in late April --

- 1 A No.
- 2 Q -- early May --
- 3 A No.
- 4 Q -- 2015?
- 5 A No.
- 6 Q Did you place it an envelope, like a manila
7 envelope, and carry it across?
- 8 A That doesn't ring a bell.
- 9 BY [REDACTED]
- 10 Q Did you place a manila envelope without -- that
11 didn't have any meat in it? Did you ever take a manila
12 envelope from the tailor shop and place it in Matt's cell?
- 13 A No.
- 14 BY [REDACTED]
- 15 Q You're certain of this.
- 16 A I'm pretty confident of that.
- 17 BY [REDACTED]
- 18 Q But you would take envelopes to move stuff around
19 the facility with items in it because it wouldn't be
20 checked.
- 21 A (Nods head.)
- 22 Q So we're just trying to say, could that have
23 happened with Tilly Mitchell coming out of the shop
24 earlier other than the big piece of meat?
- 25 A No.

1 BY [REDACTED]

2 Q We have sworn testimony that, in fact, you moved
3 ground beef in late April, early May 2015, a similar
4 package, almost identical to the delivery you then did at
5 the end of May.

6 A Of that big, ground beef thing? Oh, no.

7 Q A one- or two-pound slab of ground beef.

8 A No. That's no.

9 Q We have sworn testimony on several occasions to
10 this effect.

11 A No, that is not true.

12 Q Was anybody else bringing up meat to Matt and
13 Sweat?

14 A That, I don't know of.

15 Q Well, did you ever see anybody bringing up meat?

16 A No.

17 Q All right, you're the go-to guy, right?

18 A Yes.

19 Q Right, you're the go-to guy, and these are your
20 rats, right?

21 A Yes.

22 Q Is anybody else working them?

23 A Does anybody else work them?

24 Q Yeah, these are your informants. You're working
25 them, right?

- 1 A That, I didn't know. I don't know about that.
- 2 Q Did you ever see anybody working them?
- 3 A No.
- 4 Q I mean you told Tilly to stay away from them;
- 5 they're your boys, right?
- 6 A I didn't tell Tilly to stay away from them.
- 7 Q Well, you said, Tilly, don't be doing this. I'll
- 8 do it.
- 9 A Yes, you shouldn't be doing what you're doing.
- 10 I'll do this. If he needs something, he'll go through me.
- 11 Q Right, you're their handler.
- 12 A Yes.
- 13 Q Right? And then in return for doing what you do,
- 14 they give you information.
- 15 A Yes.
- 16 Q And so do other COs, that you're aware of, approach
- 17 Matt or Sweat and try to give them things in return for
- 18 anything?
- 19 A Not that I saw.
- 20 Q Okay. Well, we have another delivery of meat very
- 21 similar to the first -- the delivery that you just spoke
- 22 about -- in late April, early May. Sweat says he got that
- 23 meat.
- 24 A I don't believe that's true.
- 25 Q Sweat definitely says he got that meat on

1 multiple --

2 A From me?

3 Q -- occasions. Sweat says he got it. Tilly says

4 you delivered it.

5 A That's news to me.

6 Q Is it -- who else would be delivering it?

7 A I don't know, but that's news to me. That

8 surprises me there.

9 Q So we get the meat being delivered; multiple people

10 are saying that. Tilly's saying you delivered it, and

11 you're the go-to guy.

12 A And how did I deliver that?

13 Q In a manila envelope, very similar to the last

14 package that was said to be in a green bag; it was in an

15 envelope.

16 A It would be that size?

17 Q It would be, roughly, a pound to two pounds of

18 ground beef, frozen, same kind of deal.

19 A That doesn't -- no.

20 BY [REDACTED]

21 Q Did you deliver enough packages that you can't

22 recall the specific package?

23 A No.

24 Q Would there have been another package that you

25 would have delivered?

- 1 A No, that doesn't -- that doesn't ring a bell.
- 2 BY [REDACTED]
- 3 Q How would you -- how would you transfer photographs
- 4 up to Matt's cell from people that gave them to you?
- 5 A Those would be in a flat envelope.
- 6 Q So you -- there's been times where you've taken an
- 7 envelope from the tailor shop and brought an envelope up
- 8 to Matt's cell.
- 9 A Yes.
- 10 Q Okay, so there could be -- and you certainly went
- 11 and got the painting from Matt's cell for Tilly Mitchell
- 12 and removed it from the facility?
- 13 A Yes.
- 14 Q And you certainly brought -- you remember this
- 15 later, May 30, June 1st kind of a date, of a meat delivery
- 16 with a green bag?
- 17 A Yes.
- 18 Q And you're saying you don't remember an earlier, a
- 19 month earlier --
- 20 A Not -- if there was something in an envelope, I
- 21 don't recall it being meat.
- 22 Q Anything of any heft to it at all.
- 23 A No, that doesn't ring a bell there.
- 24 BY [REDACTED]
- 25 Q Would you bring up envelopes without looking inside

1 of them?

2 A No, no.

3 Q Are there other COs that are working with Matt and
4 Sweat?

5 A I wouldn't be surprised, but I'm not aware of them.

6 Q You're not aware of anybody. So you're their --
7 you're their handler, basically, for information.

8 A Yes.

9 Q And you bring them things.

10 A I brought them the paint and the paint brushes.

11 Q Right, and you give them perks, right? You give
12 them cigarette breaks. You give them time on the gallery,
13 is that correct?

14 A They received showers like the other men did, too.

15 Q And they receive other perks. I mean they get some
16 cell amperage upgrades, right?

17 A Yes.

18 Q And that's largely at the direction of Matt, is
19 that correct?

20 A Yes. Matt wanted Sweat's cell hot-wired, which I
21 had him hot wire his cell so that he can cook in his cell.

22 Q So you're arranging all of these things for Matt
23 and Sweat, and you're the delivery man, and when it comes
24 to this delivery which --

25 A I don't recall that. When you say the meat, no, I

1 don't remember that at all.

2 Q If not you, who else? I mean you are the go-to guy
3 for Matt and Sweat.

4 A That, I don't know who else would have done that.

5 BY [REDACTED]

6 Q Would Mary do it?

7 A No, oh, no. She was distanced. She had nothing to
8 do with any inmates.

9 BY [REDACTED]

10 Q How many times did Mitchell ask you to bring
11 something to Matt?

12 A Just that one time, the hamburger.

13 Q Never have you -- you have never delivered anything
14 else for Mitchell to Matt?

15 A Nothing that comes to mind, but --

16 Q Even an envelope, you've never delivered an
17 envelope?

18 A With pictures in it, possibly.

19 Q Okay, so we have more than just that one time,
20 correct?

21 A We can go with that, yes, say that, yes.

22 Q So we now have the one time and pictures. What
23 else has Ms. Mitchell asked you to give to Matt?

24 A Maybe -- no -- maybe eyeglasses.

25 Q Eyeglasses, okay. What did she put them in or did

1 she just -- how did she --

2 A I don't recall how the packaging was with that.

3 Q Did she call you to the tailor shop and say --

4 A Yes.

5 Q Okay, and what?

6 A Can you bring this to Matt?

7 Q And you knew they were eyeglasses?

8 A Yes.

9 Q How did you know they were eyeglasses?

10 A I believe she showed them to me.

11 Q Okay, what kind of container was it in?

12 A I don't recall that, the container that it was in.

13 Q Could you see they were eyeglasses as if you -- or

14 did you have to open something up?

15 A I believe I could see that they were eyeglasses.

16 Q Okay, and you gave them to Matt in his cell.

17 A Yes.

18 Q Okay, and what else did she ask you to bring?

19 A Boxing gloves?

20 Q Boxing gloves, okay, how were those packaged?

21 A That would have been -- I don't know, they may have

22 been in a box.

23 Q How do you know they were boxing gloves?

24 A She showed them to me.

25 Q She showed them to you. So you had a box.

- 1 A Yes.
- 2 Q Was there anything else in the box besides the
- 3 boxing gloves?
- 4 A Not that I saw.
- 5 Q Okay, and you carried those from tailor shop to
- 6 Matt's cell.
- 7 A Yes.
- 8 Q Okay, and what else did she ask you to bring?
- 9 A I believe that was all. I believe that was all.
- 10 BY [REDACTED]
- 11 Q Any work gloves, like, exercise or you work on
- 12 mechanical? Any kind of gloves like that?
- 13 A Oh, you mean like --
- 14 Q You can work out in them or you can --
- 15 A Tailored five gloves?
- 16 Q I'm not sure.
- 17 BY [REDACTED]
- 18 Q It would be work-out gloves.
- 19 BY [REDACTED]
- 20 Q So something you could, you know, get your hands
- 21 greasy or work on metal or work on --
- 22 A Yes.
- 23 Q Do you remember that?
- 24 A I don't recall the incident, but I believe so.
- 25 Q Do you remember how those were delivered?

1 A I think I brought them right to his cell.

2 Q Did you -- was he already present in his cell, or

3 did you deliver them to him when he was in his cell?

4 A I don't believe that he was present.

5 Q Did you --

6 BY [REDACTED]

7 Q How about batteries or a flashlight?

8 A No, no.

9 BY [REDACTED]

10 Q Did you ever bring them from the tailor shop to his

11 cell with any item?

12 A Not that I was aware of.

13 Q Did you ever bring them to -- but you brought them

14 to his cell from the tailor shop before he had to go back

15 to his cell for whatever reason?

16 A Yes.

17 Q So there was times that you walked him from the

18 tailor shop and would bring him back into A block up to

19 his cell.

20 A Yes.

21 Q And did those -- did that happen occasionally in

22 the first half of 2015?

23 A Yes.

24 Q What were some of the reasons that you brought him

25 back to his cell during workday?

- 1 A He complained of a sciatic nerve.
- 2 Q And when you brought him back, did you pat him down
3 before you brought him back?
- 4 A No, because I brought him up to the hospital.
- 5 Q Are you talking about one specific time you recall?
- 6 A I believe so, with the sciatic nerve.
- 7 Q And did you pat him down to bring him to the
8 hospital that time?
- 9 A No, I just ran him through the metal detector.
- 10 Q And did you leave him there?
- 11 A No. I waited for him, and then I brought him back
12 to the block.
- 13 Q So you went from the tailor shop to -- so was that
14 upper C or where did --
- 15 A Yes.
- 16 Q Yeah, brought him to upper C and then back to the
17 -- his cell.
- 18 A Yes.
- 19 Q So the only metal detector he would have gone
20 through would be upper C?
- 21 A Yes.
- 22 Q Okay. Other times in that spring, I guess from
23 Winter through Spring of 2015, there were other occasions
24 that you brought him back and forth, besides sciatica,
25 back to his cell.

- 1 A I believe a couple of times.
- 2 Q And when you brought him, did he have to pass
3 through a metal detector?
- 4 A No. I brought him right through A block door.
- 5 Q So you would walk him from the tailor shop -- he
6 wouldn't have to pass through a metal detector until he
7 got back to his cell. There would be no metal detector,
8 correct?
- 9 A Correct.
- 10 Q Did you -- during those occasions, did you ever pat
11 him down and search for --
- 12 A No.
- 13 Q -- weapons or anything?
- 14 A No.
- 15 Q Did you have to sign him in and out of the tailor
16 shop when you did that?
- 17 A No.
- 18 Q Did you have to log him back into his cell at the
19 block office?
- 20 A No.
- 21 Q So there would be no record of that movement back
22 and forth.
- 23 A No, it wouldn't be notated. It wouldn't be written
24 down, no, but the block officer would be aware that he's
25 back in the block and his count had changed.

- 1 Q So someone would at least note that he arrived.
- 2 A Yes.
- 3 Q But it's not unusual just for Matt. There would be
- 4 other times that you had to bring other inmates back to
- 5 their cells.
- 6 A Yes.
- 7 Q And the same thing, would you pat them down before
- 8 you brought them back --
- 9 A No.
- 10 Q -- to the tailor shop? And would you -- and you
- 11 also would not bring them through a magnetometer. I can't
- 12 say it.
- 13 A No.
- 14 Q A frisker, you wouldn't bring them through a
- 15 frisker.
- 16 A No.
- 17 Q Because they were with you.
- 18 A Correct.
- 19 Q And you would bring them right back to their cell.
- 20 A Yes.
- 21 BY [REDACTED]
- 22 Q Did you ever bring an alarm clock from the tailor
- 23 shop --
- 24 A No.
- 25 Q -- to his cell?

1 A But now that that -- but Tilly had one, and she had
2 given it to Matt.

3 Q Did she ask you to deliver it?

4 A Yes, she did, as a matter of fact, now that you
5 bring that up.

6 Q How did that -- how did that come about?

7 A I don't recall me delivering that, but I remember
8 Matt showing it to me, and I told him that you wouldn't
9 want to have that, and he had given that to me, and I
10 disposed of that.

11 Q You disposed --

12 A Yes.

13 Q -- of an alarm clock.

14 A Yes.

15 Q For an inmate.

16 A Yes.

17 Q But she didn't ask you to bring that back?

18 A No, not that I recall. I don't recall that.

19 BY [REDACTED]

20 Q And how did you dispose of it?

21 A Threw it in the garbage can.

22 Q Then and there or later?

23 A Later.

24 Q After the escape?

25 A Oh, prior to it.

- 1 Q Prior to it.
- 2 A I believe so. No, it was after because I had it in
3 my locker, so it was after I disposed of that.
- 4 Q After the escape you cleaned out your locker?
- 5 A Yes, but I had it in my locker, though.
- 6 Q All right, so you took this alarm clock to Matt,
7 but you didn't give it to him.
- 8 A No, he -- for some reason, he had that alarm clock.
9 I recall him having that alarm clock, and he showed it to
10 me. I said you're not supposed to be having that.
- 11 Q So Matt had the alarm clock in his cell.
- 12 A Yes.
- 13 Q Did you give it to him to put in his cell?
- 14 A No, I don't recall. I don't recall doing that, no,
15 because I knew he wasn't supposed to have that. He showed
16 that to me.
- 17 Q Did you let him keep it for one day and then take
18 it back?
- 19 A No. The day that he had showed it to me, I took it
20 from him.
- 21 BY [REDACTED]
- 22 Q But you didn't bring it to him. You found it in
23 his cell.
- 24 A No, he showed it to me.
- 25 Q So in January, there's no way that Joyce Mitchell

1 would have called you into the tailor shop during chow and
2 said give this to Matt?

3 A No, I don't recall that.

4 BY [REDACTED]

5 Q When you would bring Matt back in the first six
6 months of 2015, back to his cell from the tailor shop,
7 were you supposed to bring him through the B frisker?

8 A Yes.

9 Q And you chose --

10 A Technically.

11 Q Technically, but you chose not to.

12 A Correct.

13 Q Why?

14 A Because it wasn't -- not everybody really followed
15 that procedure because when you -- when you get back to
16 noon chow and you run them through the C and A block and
17 they don't go through metal detectors it was like, well,
18 what's the purpose?

19 Q Is there a directive or an FOM that says you should
20 be bringing them --

21 A Probably an FOM, yes.

22 Q Before you bring them back to their cell from
23 wherever you're bringing them, correct?

24 A Yes.

25 Q Besides Matt, other inmates that you brought back,

1 you followed the same pattern of avoiding the B block
2 frisker, correct?

3 A It was a shorter distance.

4 Q A straighter line. As the crow flies, it was
5 quicker to get back --

6 A Yes.

7 Q -- without going through the frisker. And no one
8 -- it's also fair to say that on the occasions in 2015
9 that you brought Matt back to his cell, no other COs
10 frisked him or body-patted him down or anything like that.

11 A No.

12 BY [REDACTED]

13 Q Gene, do you remember talking to the State Police
14 on June 20th? I know you talked to them a lot.

15 A Yes.

16 Q Okay, on June 20th, you told the State Police that
17 Palmer showed you the alarm clock in the tailor shop and
18 you told Matt that he couldn't have it, but you later told
19 the State Police that you took the alarm clock from the
20 tailor shop and brought it to Matt's cell where Matt had
21 possession of it that one day because he held it in his
22 hands; do you remember saying that to the State Police?

23 A Yes, now that you say that.

24 Q Okay, this is maybe where we're all getting a
25 little frustrated. You already said it. Just tell us

1 about it, and we don't have to keep going around and
2 around about this. What else have you done besides the
3 alarm clock stuff? Did you bring anything else?

4 BY [REDACTED]

5 Q Back up. So now we have you bringing the alarm
6 clock from the tailor shop to Matt; how did you do that?
7 How did you take -- how did you get the clock?

8 A I don't recall that.

9 Q Did Joyce bring it to you? That's what you told
10 State Police.

11 A That I brought it back? I don't really recall how
12 I -- I would have just carried it back.

13 BY [REDACTED]

14 Q You told the State Police that in January 2015,
15 Joyce Mitchell called you into the tailor shop during noon
16 chow. She had a -- this is a quote. She had a timer, a
17 clock. This was the first thing that when she first asked
18 you to bring stuff back to him the two times, and it was a
19 big clock. She said his eyesight is poor, but it had an
20 alarm on it. So he couldn't have an alarm. I threw that
21 away, and I didn't let him have that. Do you remember
22 saying that?

23 A Yes, now, yes.

24 Q Okay, and you remember bringing that back from the
25 tailor shop to his cell and showing it to him?

- 1 A Yes.
- 2 Q Okay, how did you do that?
- 3 A I don't know if I put it in my pocket or if it was
4 in an envelope.
- 5 Q But you did take it to his cell, and you showed it
6 to him in his cell.
- 7 A Yes.
- 8 Q Do you know what you did with the clock afterwards?
- 9 A I -- Matt had brought it back to me, and I told him
10 I -- you're not, not to have that, but I disposed of that.
11 I put that in my locker.
- 12 Q Put that in your locker, and then after the escape
13 did you get rid of it?
- 14 A Yes.
- 15 Q Where did you get rid of it?
- 16 A Threw it in the garbage can.
- 17 Q Where was the garbage can?
- 18 A Maybe, on 6 company.
- 19 Q Okay, then you cleaned your locker out after that,
20 right?
- 21 A Yes.
- 22 Q Did you take anything else out of your locker
23 besides the alarm clock?
- 24 A I believe I had a tin can lid on a toothbrush.
- 25 Q And that's a weapon, correct?

1 A Technically, yes.

2 Q Okay, why did you have a weapon in your locker?

3 You have access to a nightstick or baton and other weapons
4 as a correctional officer. Do other correctional officers
5 carry tin can lids on a toothbrush?

6 A No.

7 Q Why did you have a tin can --

8 A That was found in a cell search.

9 Q -- lid on a toothbrush?

10 A I found that in a cell search.

11 Q And did you log it into evidence following the cell
12 search?

13 [REDACTED] What are we talking about
14 as far as a weapon?

15 [REDACTED] It's a tin can, a soup can
16 lid, typically --

17 [REDACTED] You think this is
18 included in the --

19 Q I just want to know why you kept a tin can lid in
20 your locker.

21 A I had always just have kept it.

22 Q Was there a purpose?

23 A The purpose was if you had a situation where, in
24 the heat of the moment, officers made bad choices, you may
25 use that.

- 1 Q Use it by putting it on an inmate to cover --
- 2 A Or leaving it in the area.
- 3 BY [REDACTED]
- 4 Q What else was in your locker after you cleaned it
- 5 out after the escape?
- 6 A I might have had a TV, a TV, I believe.
- 7 Q What did you do with that?
- 8 A Threw that in the garbage can.
- 9 Q A television, you threw in the garbage can?
- 10 A Yes.
- 11 Q Okay, why?
- 12 A To get rid of it. TVs were used -- when I would
- 13 use a TV and when an inmate would need a TV, I would give
- 14 them a TV, and he would give me information.
- 15 Q Was this an authorized Clinton program?
- 16 A No.
- 17 Q No? This is your own. This is your own program?
- 18 A Yes.
- 19 Q Was it a way to develop informants?
- 20 A Yes.
- 21 Q Did you -- were you part of CIU?
- 22 A I was a CIU member.
- 23 Q CIU member. As a -- as an escort and A block
- 24 officer, you were a CIU member?
- 25 A No, not officially.

- 1 Q Okay, well, tell me about that. You were a --
- 2 A I worked with those people on the side. They --
- 3 they had officers that were assigned to CIU, and then I
- 4 did my thing, as other officers that I knew.
- 5 Q So a formal assignment?
- 6 A Yes, to be assigned to CIU, yes.
- 7 Q So who assigned you to CIU?
- 8 A I was never, but if they needed a TV to, like, have
- 9 a grievance go away, they would come to me, and I --
- 10 Q Let me just back up a little. Do you work as a CIU
- 11 agent or do you --
- 12 A No.
- 13 Q No, so your TV program is your own program.
- 14 A That was utilized by the jail.
- 15 Q Right, so you're developing informants.
- 16 A Yes.
- 17 Q But independent of CIU.
- 18 A Yes.
- 19 Q And is this authorized by Clinton? Is Clinton
- 20 aware that you're doing this?
- 21 A They were aware of it.
- 22 Q Who was aware of this?
- 23 A All the way to the superintendent.
- 24 Q Which superintendent? LaValley?
- 25 A Yes.

- 1 Q Racette?
- 2 A I don't know if Racette knew about it.
- 3 Q Who else knew about it?
- 4 A Pretty much anybody upstairs. If we had a problem,
5 whether they would come to me whether the inmate's
6 property was lost by staff, but, normally, the TVs, you
7 know, if they needed -- an inmate needed a TV for
8 information, they went through me to get the TV, and I
9 supplied the TV.
- 10 Q How did inmates typically -- normally, regularly
11 receive TVs? Is it through the package room or through
12 the commissary?
- 13 A Yes.
- 14 Q And that's the formal way that a TV comes into the
15 facility.
- 16 A Yes.
- 17 Q And as soon as an inmate purchases a TV from the
18 commissary or has one mailed in through the package room,
19 they then request and obtain a permit?
- 20 A Yes.
- 21 Q And these permits are issued by who?
- 22 A That would be through the package room.
- 23 Q So [REDACTED] [REDACTED]
- 24 A Or any of the officers in there.
- 25 Q Okay, so the package room issues a permit for a

1 television when they arrive. What if it arrives via the
2 commissary?

3 A The commissary would fill out the permit.

4 Q Okay, so they're the two authorized sources of
5 permits?

6 A Yes.

7 Q Are you issuing permits?

8 A Yes.

9 Q Where are you getting the permits from?

10 A I would do them legally by going into the package
11 room, fill out the permit, inscribe the number and put it
12 in their file so the TV was legal that way.

13 Q Okay, where is the TV -- if it's not coming through
14 the package room or the commissary, where are these TVs
15 coming from? Where do they --

16 A They would come through the TV repair.

17 Q Okay, how does the TV repair receive --

18 A They would acquire them through cell searches when
19 they would search the facility.

20 Q Okay, so there's bunch of contraband TVs,
21 basically; is that what this is?

22 A Yes.

23 Q Okay, they've been seized during --

24 A Yes.

25 Q Confiscated during cell searches.

- 1 A Yes.
- 2 Q And now you take them, and you create a permit, and
3 turn them back over to inmates.
- 4 A Yes.
- 5 Q Okay, is this a standard procedure? Is it
6 recognized?
- 7 A No, but you acquired information that way on how
8 the facility ran, just as the lady that was in tailor 4
9 that was getting ready to be raped, because when I
10 complained to her about her dress code, and then the one
11 inmate I gave the TV to, probably a year to six months
12 prior to that, he, all of a sudden, came up to me one day
13 and said this is what's going on in that shop, so they
14 were a valuable tool.
- 15 Q So you're developing intelligence.
- 16 A Yes.
- 17 Q But this is independent of CIU. You have your own
18 little rat informant program.
- 19 A Yes.
- 20 Q And it's being -- you know, the TV program is a
21 assisting the rat program, but all of these are
22 independent of CIU.
- 23 A Yes.
- 24 BY [REDACTED]
- 25 Q Did Dep of Security Brown know about this program?

- 1 A I believe he did.
- 2 Q How do you believe it?
- 3 A It was common knowledge that if somebody needed a
4 TV they could go through me. There were other channels
5 you could go through to acquire those TVs.
- 6 Q Did Dep Brown use you to learn things in the prison
7 without utilizing CIU?
- 8 A No.
- 9 Q Did any other administrative -- Racette or Quinn or
10 Dep Brown or Lucia or any of those people -- know that you
11 were running the TV program?
- 12 A I'm confident that they were aware of that.
- 13 Q Were you ever directed by the administration to
14 issue these TVs?
- 15 A Not by the administration.
- 16 Q So it's your position --
- 17 A Executive of team.
- 18 Q And I don't want to put words in your mouth. The
19 executive team, it's your position that the executive team
20 was aware that it was happening but was not actively
21 directing you to do it.
- 22 A Correct.
- 23 Q But they did nothing to stop it.
- 24 A Correct.
- 25 BY [REDACTED]

1 Q Did Matt and Sweat receive a television from you?

2 A I believe that they both have.

3 Q From you.

4 A Yes.

5 Q Did you provide inmates -- other inmates with
6 televisions at Matt's direction?

7 A I believe that would be probably true. I don't
8 recall it right off the top, but it wouldn't surprise me,
9 but I also had other inmates come up to me and say, hey,
10 my brother just came to jail. He doesn't have any money.
11 Can you give him a TV?

12 Q Are other COs or other employees at Clinton running
13 a similar TV program?

14 A Probably not, but -- no.

15 Q Okay, so --

16 A But, though, I'm not so sure -- I'm not so sure
17 that other officers didn't go get TVs and make permits for
18 them or just give them the hot TV right over the counter.
19 See, all of my TVs, I made sure that they were legal, but
20 you had other staff members that -- we had --

21 Q What do you mean by legal? I mean either they're
22 confiscated televisions or --

23 A Well, yes, they were confiscated TVs from other
24 inmates that didn't have permits for them. When I always
25 -- when I always gave an inmate a TV, I inscribed the same

1 serial number, [REDACTED] That was the serial number
2 because each TV --

3 Q Which is a random number? What is that?

4 A It's not a random number. It was the same number I
5 used all the time, because what I would do is most TVs,
6 when they were confiscated, they didn't have the original
7 serial number on it, because it was on a piece of paper
8 from the factory, so it had been removed. So what I would
9 do is I would make my own serial number up, put it on the
10 top next to the inmate's DIN number, and then when I put
11 it in his file, I used the same serial number so that
12 whenever I frisked his cell or other individuals, and I
13 came with other individuals, I came across that TV with
14 that serial number, then I knew that I could talk to that
15 convict because I don't remember -- always remember who
16 that I hooked up with TVs, that they had an opportunity to
17 talk to me. That's why I always kept the same serial
18 number.

19 Q And, again, just to make sure, Matt -- on occasion,
20 Matt is directing you who to give a TV to.

21 A I don't recall him doing that very often, if he
22 had. I'm sure he must have, probably, approached me over
23 eight years to can you get this guy a TV or that guy a TV?
24 But I don't recall that being a lot of times.

25 Q You gave one to Matt, one to Sweat.

1 A Yup.

2 Q And at least on some occasions you gave some to
3 other inmates at the request of Matt.

4 A That would be true, yes.

5 Q Okay, what about the weight machine, the moving of
6 the weight machine, who --

7 [REDACTED] Is this a new topic?

8 [REDACTED] It's within the same
9 topic, but --

10 [REDACTED] Well, I'm wondering when
11 we can take about a three- to five-minute break.
12 Would that be okay, or do you want to finish this?

13 [REDACTED] No,
14 let's do it now.

15 [REDACTED] Yeah.

16 (A brief recess was taken.)

17 BY [REDACTED]

18 Q Does that number mean anything, that 1-800 number?

19 A No, that was a just a number I made up.

20 Q It doesn't have any correlation to anything.

21 A No, it doesn't.

22 Q Thank you.

23 [REDACTED] On the TV program, he
24 wanted to -- the question was institutional
25 knowledge, and he's thought of something outside

1 that he would like to bring to your attention
2 regarding the grievance issue.

3 MR. PALMER: Now, the grievance issue
4 was another area that the TV program worked in
5 where when an inmate had a grievance, whether it
6 was due to staff mistakes that were made or staff
7 mistakes. Instead of going through the paperwork,
8 they would call me up and say get this guy a TV and
9 they'll sign off on his grievance, and then the
10 problem would go away. That's why that was an
11 effective program that I had.

12 BY [REDACTED]

13 Q Who would call you up and say --

14 A It could be anybody, anybody in the jail.

15 Q Who do you recall calling you up?

16 A Everybody. Name --

17 [REDACTED] I think they're looking
18 for names.

19 A We can start with the sergeants, officers,
20 lieutenants upstairs and, here and there, a captain,
21 and --

22 Q Starting with the highest ranking officer you know
23 by name, tell us the names of people who'd call you up and
24 say, here, give this guy a television and he'll sign off
25 on his grievance.

1 A I recall, years back, [REDACTED], but it was only
2 one request. The superintendent didn't normally, but [REDACTED]
3 [REDACTED] had told me, when I'm doing the TV programs, make
4 sure that they're done legally. That's why I always gave
5 them --

6 Q So [REDACTED] told you to trade -- not trade --
7 told you to give an inmate a TV so he would sign off on
8 his grievance, or he said always make sure it's done
9 legally?

10 A Always make sure it's done legally when I'm getting
11 them the TVs.

12 Q Who said give this inmate a television and he'll
13 sign off on his grievance?

14 A That would be whoever the grievant's sergeants were
15 at the time, and those varied. They were all -- each
16 sergeant had six months at a time at grievance.

17 Q So give me the one you can recollect, the latest
18 one, the highest ranking officer that you can --

19 A You would have [REDACTED], who was one of the
20 grievant's sergeants.

21 Q And did he call you and tell you to give an inmate
22 a television so he would sign off on a grievance?

23 A Yes.

24 Q Okay, and who else?

25 A And then you would have [REDACTED].

1 Q When you're saying "would have," [REDACTED] called
2 you?

3 A Most likely he would have over time. This is over
4 an eight-year period. You're dealing with 40 different
5 sergeants.

6 Q Which is what can you remember? Who actually
7 called you and said give this inmate a television and
8 he'll sign off on his grievance?

9 A Okay, we'll start with those two guys. [REDACTED]
10 [REDACTED], [REDACTED], [REDACTED]. That's five, and
11 that's, what, six months at a clip? But anybody that's
12 documented in grievance over an eight-year period, at one
13 time or another, each one of those guys asked me to give
14 them a TV.

15 Q Do you recall who they directed to get the
16 television?

17 A I don't remember the inmates that I gave the TVs
18 to, but I would take a TV and go to the package room, make
19 a permit, and then the inmate would sign off on his
20 grievance. Because, see, the thing about the grievances
21 is, the more grievances that you had, then building 2
22 complained. So, and, and, and it was also the same
23 principle as a misbehavior report. Sometimes it's better
24 just to counsel and reprimand the inmate then to bog the
25 system down with paperwork.

1 Q Okay, getting back to what we were talking about
2 before, did you ever deliver a package, any kind of
3 package, more than likely something in a manila envelope,
4 to Matt that you didn't know the contents of?

5 A I would believe that that would be true.

6 Q And did that -- did that -- did that occur during
7 the period of 2015?

8 A Nothing comes to mind on that, but it wouldn't
9 surprise me that I had.

10 Q Did you ever drop a package on Matt's bed because
11 Matt wasn't present at the time?

12 A Photos of paintings.

13 Q Describe that. What kind of package was that?

14 A You just put it in a manila envelope and put the
15 picture in the painting.

16 Q So these were envelopes that you prepared you knew
17 the contents of.

18 A Yes.

19 Q Okay, what about envelopes that you might have
20 delivered that you did not know the contents of?

21 A I don't recall that ever happening.

22 Q What about any kind of -- any kind of plastic bag
23 or box that might have contained something that you left
24 on his bed?

25 A If anything, maybe the boxing gloves because that

1 came in a box.

2 Q When was that?

3 A The boxing gloves? Maybe two years ago.

4 Q Okay.

5 A I'm not sure that -- it wasn't that long ago, but

6 maybe two years, at best.

7 Q What about the eyeglasses that you delivered, when

8 was that?

9 A That would probably be within a year time frame.

10 Q And how did you hand those off?

11 A I dropped them on his bed. Now, that might have

12 been a manila envelope, yes.

13 Q Okay, so you dropped --

14 A Yes.

15 Q -- an envelope on his bed with the glasses in it.

16 A Yes.

17 Q Was that the only item in the envelope?

18 A I recall that it was, yes.

19 Q You're positive.

20 A Yes.

21 Q Certain?

22 A Yes.

23 Q These glasses, were they magnifying glasses?

24 A I recall they were -- I don't know if they were --

25 they might have been magnifying glasses. I never looked

1 at them, but they did have lights on the side of them.

2 Q Headlights on the side.

3 A And that he said that he used those so that he
4 could paint -- paint the pictures better with.

5 Q Is this something that you could buy in the
6 commissary?

7 A No.

8 Q Is this something you could get through the package
9 room?

10 A No.

11 Q Is it contraband?

12 A Yes.

13 Q And did this at Matt's request or Joyce's request?

14 A Joyce's request.

15 Q And so any other items delivered? Package, left it
16 on his bed.

17 A Not that I recall.

18 Q Is it altogether impossible or is it possible?

19 A Not impossible, but nothing that triggers my memory
20 right now.

21 Q The weight machine which was moved, who wanted the
22 weight machine moved?

23 A Now the weight machine, that was off the A block
24 committee. I represented the block. There were three
25 inmates on the committee. Now, they used to have free

1 weights in that block, but once that inmate was killed by
2 the free weights, the weights were removed from the block.
3 But three years had passed, and the committee wanted a
4 weight machine because these weren't -- the weight
5 machines, that was all tied down, so technically you
6 couldn't use any of those weights to kill anybody with, so
7 we went through discussions with that, to have that
8 machine placed back into the block.

9 Q Now, the committee we're talking about is the
10 inmate liaison committee?

11 A Yes.

12 Q And is that Richard Matt?

13 A Mitchell -- it would be Matt, [REDACTED]

14 Q What's [REDACTED] first name?

15 A I don't know what his first name is.

16 Q Is he an inmate or --

17 A Inmate.

18 Q -- a correction officer?

19 A There was three inmates and myself and then Captain
20 Devlin.

21 Q And the other inmate?

22 A [REDACTED]

23 [REDACTED]

24 A Yes.

25 Q Okay.

- 1 A That's his first name.
- 2 Q So Matt is one of the individuals who wanted this
3 weight machine moved.
- 4 A He was -- represented it, but I don't know that he
5 was pushing for it.
- 6 Q Okay, who -- who moved the weight machine?
- 7 A I did.
- 8 Q You did. With the help of anybody else?
- 9 A With the inmates.
- 10 Q Okay, how many inmates?
- 11 A It took me about, maybe, 14 men to move that.
- 12 Q Did Sweat play a pivotal role in this?
- 13 A Yes, he did.
- 14 Q What did he do?
- 15 A Well, when I had permission to go get this weight
16 machine, for which came down from the administration
17 because they were aware of the request that the inmates
18 wanted it in the block to improve the standards in the
19 block.
- 20 Q Who in administration?
- 21 A Captain Devlin, and it came right through the
22 superintendent.
- 23 Q A written approval or oral approval?
- 24 A I didn't receive the written approval, but I was
25 given the oral approval from, I believe, Steve Brown. He

1 knew about it. I don't know if Steve Racette -- I'm
2 pretty confident Steve Racette had to give the okay, but I
3 knew Steve Brown was involved with it. He knew about it,
4 also. They all knew about it, because it was all
5 documented paperwork that went upstairs.

6 Q How did Sweat move it?

7 A Well, how he did that was when we went to get the
8 weight machine, he drew it in a 3D manner so that, when we
9 took it apart, we could look back at the picture and put
10 it back together.

11 Q Who took it apart?

12 A Matt -- I mean Sweat did.

13 Q Was Matt there, also?

14 A I believe he was, yes.

15 Q What tools were utilized to take it apart?

16 A We used a ratchet set.

17 Q Solely a ratchet set? Anything else?

18 A There -- we may have had a screwdriver. I don't
19 know. I don't believe we had a screw -- I believe it was
20 the whole ratchet set.

21 Q Who obtained the tools?

22 A I did.

23 Q From where?

24 A From the arsenal, and I brought the right socket
25 because they didn't have that, for some reason, but I

- 1 brought the socket and the ratchet from the house, yes.
- 2 Q The house?
- 3 A Yeah, my house.
- 4 Q Your house.
- 5 A Yes, to dismantle that.
- 6 Q So some tools came from the arsenal, and some tools
- 7 came from your house?
- 8 A Yes. I believe there was a sledge hammer that we
- 9 had to use out of the arsenal.
- 10 Q So there's a sledge hammer, a ratchet set, possibly
- 11 a screwdriver, what else?
- 12 A And that would have been it. I'm not so sure about
- 13 the screwdriver.
- 14 Q You're not sure about the screwdriver. Vice grips?
- 15 A No.
- 16 Q Wrenches?
- 17 A No.
- 18 Q But a sledge hammer.
- 19 A Yes.
- 20 Q How big?
- 21 A It was just a hand-held sledge hammer.
- 22 Q Okay, so who used these tools?
- 23 A I observed Sweat use the tools.
- 24 Q How long did the operation take?
- 25 A It took, probably -- it took about four hours to

1 dismantle it, and it took another, probably, six hours to
2 put it back together. It took two days.

3 Q Two days. So during the entire time this is
4 ongoing, you have eyes on.

5 A Yes.

6 Q Ten hours.

7 A It was a two-day process.

8 Q So ten hours you're watching those --

9 A Yes.

10 Q -- tools.

11 A I was.

12 Q And so then they reassemble?

13 A And when we got it all into A block, Sweat put it
14 all back together again.

15 Q Okay, and so this was something that was requested,
16 in part, by Matt and executed by Matt and Sweat, among
17 others.

18 A No, it wasn't requested by Matt. I believe [REDACTED]
19 was the one behind wanting to get the weight machine back
20 into the block.

21 Q Okay, but Matt is on the liaison --

22 A Yes.

23 Q -- committee. And he concurred with that, whatever
24 [REDACTED]

25 A Yes, when we transported the weights.

1 Q Okay. Cell amperage upgrades. When you -- when
2 inmates' cells -- the amperage in a cell is upgraded so
3 that they can use --

4 A Hot plates.

5 Q Hot plates. Tell us about that.

6 A Well, afterwards, out of the 2,000 cells, when they
7 went back and checked all the cells, there were 400 cells
8 that were hot-wired within the facility. Hot-wiring of a
9 cell allows an inmate to use a hot pot that he takes out
10 of the commissary that heats up water. [REDACTED]

11 [REDACTED]
12 you take your pan and whatever foods that you require, you
13 cook them in your cell so that you don't have to go to the
14 compound mess hall to eat.

15 Q And did you allow Sweat onto the catwalks --

16 A Yes.

17 Q How many times?

18 A Twice.

19 Q You're sure about that.

20 A Yes.

21 Q Have you previously testified to three or four
22 times?

23 A No, no. What that was was that he wired three to
24 four cells.

25 Q So on two occasions, he wired four cells?

1 A Yes.

2 Q Three or four cells?

3 A Yes.

4 Q Okay, tell us about that. How did that happen?

5 A Those were other informants that I had.

6 Q Okay, at whose direction was this?

7 A Under mine.

8 Q Was Matt -- was that Matt's request?

9 A No.

10 Q Matt did not request to have cell -- Sweat's cell

11 upgraded?

12 A He requested that Sweat's cell be wired and one

13 other cell which -- what's that guy's name? -- another

14 white guy. And then I had Sweat wire two other cells,

15 informants that I had.

16 Q So two of the four cells were wired at Matt's

17 request?

18 A Yes.

19 Q And two of them were just at your own initiative?

20 A Yes.

21 Q So describe how Sweat upped -- increased the

22 amperage in these cells.

23 A [REDACTED]

24 [REDACTED]

25 [REDACTED]

1

2

3 Q When would he do this? What time of day? On a
4 weekend?

5 A Yes.

6 Q Okay, and who else was present in terms of
7 staffers?

8 A Just myself and Sweat.

9 Q So you're up on 6 gallery by yourself, and you're
10 allowing Sweat to go on the catwalk.

11 A Yes. I was with Sweat.

12 Q You were with Sweat.

13 A Yes, at the end of the catwalk.

14 Q At the end of the catwalk.

15 A Yes.

16 Q Sweat is on the catwalk, and you're at the end.

17 A Yes.

18 Q You were behind a door or in front of a door? Is
19 there a door between you and Sweat?

20 A Yes, there's two gates. There's one gate, and
21 there's a door.

22 Q Okay, and so where are you in this?

23 A I'm standing outside, I believe.

24 Q So outside the gate and the door or just the door?

25 A I believe outside the door.

1 Q Outside the door.

2 A Yes.

3 Q So Sweat's on the catwalk doing something.

4 A Yes.

5 Q And are you watching him?

6 A No.

7 Q Okay, so Sweat's out there by himself.

8 A It took about five minutes. Now, here, real quick

9 here. When light, heat and power -- because that's why

10 this isn't -- it may be it now, but when light, heat and

11 power would come into a block to -- for electrical

12 problems or whether they had to go down that catwalk for

13 plumbing issues, the second officer would escort that

14 inmate down there. But now what most likely happened

15 through the time frame was that second officer would get

16 called over the PA system to go let out inmates for visits

17 or let this inmate out for whatever reason. While,

18 technically, you were supposed to stop everything you were

19 doing, have that convict put all his tools back in that

20 toolbox and bring him back up off that catwalk. Well,

21 that took too much time, so you didn't do that, so you

22 just left that convict on the catwalk with all those

23 tools. And what would happen, here's how that would work.

24 As an inmate, you would say I have a plumbing issue.

25 Light, heat and power would come across, and you had

1 already made a pre-agreement with that worker that I'll
2 pay you so many bricks, which was cigarettes, to wire my
3 cell. So if the timing was correct and that second
4 officer wasn't able to stay on that gallery to supervise,
5 he would walk off the gallery, leave the inmate there, and
6 it only took five minutes, at best, to wire a cell.

7 Q Was Sweat assigned to light, heat and power?

8 A Not through my knowledge.

9 Q No.

10 A Maybe through his history he may have been, but not
11 that I know of he wasn't.

12 Q Are light, heat and power inmates sometimes or
13 often accompanied by an electrician or a plumber?

14 A No. What they are -- unless the work is so
15 detailed that a civilian has to come, but those guys are
16 trained to do plumbing and work on lighting.

17 Q Are you authorized to allow any inmates that are
18 not light, heat and power onto the catwalks?

19 A Technically, no.

20 Q Technically?

21 A So, yeah, the answer would be no.

22 Q No, okay. So, nonetheless, you allowed Sweat out
23 there, what you're saying, is on two occasions to wire
24 four cells.

25 A Yes.

- 1 Q Okay, and so he was wiring a cell in, like,
2 two-and-a-half minutes.
- 3 A I think it took, like, yeah, basically, five
4 minutes it took to wire a cell.
- 5 Q But he's wiring two now at a time, you're saying,
6 so --
- 7 A Yes.
- 8 Q -- is he out there for ten minutes or five minutes.
- 9 A Yes, in and out would be ten minutes.
- 10 Q So it would be ten minutes.
- 11 A Yes. Per cell, it would take --
- 12 Q And you're not watching him.
- 13 A I'm at the end of the in-gate, yes.
- 14 Q But you're not watching him.
- 15 A No.
- 16 Q Is that correct? And he's -- you're behind a door.
- 17 A Yes.
- 18 Q Okay, so what he's doing out there for ten minutes,
19 you don't know.
- 20 A Correct.
- 21 Q Okay, is this something other officers do?
- 22 A It wouldn't surprise me.
- 23 Q Is it something you know other officers do?
- 24 A Not personally.
- 25 Q Okay, so Sweat's out there for ten minutes. Do you

1 know what he accomplished when he does this?

2 A Yes, the two cells --

3 Q What does he say?

4 A The two cells were wired.

5 Q Okay, would you know if he did it correctly?

6 A Yes, because I knew that those guys were cooking in
7 their cells, so then I knew that their cells were wired
8 properly.

9 Q In the alternative, he could have caused an
10 electrical nightmare and burned the place down, right?

11 A Yes.

12 Q Okay, the two times that Matt asked that cells be
13 upgraded, he just asked you and you complied.

14 A Yes.

15 Q Okay, why is that?

16 A Just the information that he would tell me, just as
17 other inmates would get me information, like I spoke about
18 that lady in tailor 4 that almost got raped. And here,
19 real quick, back in 2009, when I first met Matt, that's
20 how I made sure I kept him on line because he had informed
21 me about [REDACTED], maybe

22 [REDACTED] And we had -- he was removed from his shop also,
23 so they provided good information. They didn't always
24 tell me everything that was going on, but I always had
25 access to information, whether whatever reason the fight

1 took place, who had the drugs, who had the weapons, I had
2 access to that stuff.

3 Q You know, we've conducted, I don't know, nearly 200
4 interviews, a slew of people -- inmates and officers,
5 everybody that -- everybody available who has any
6 knowledge of the situation. And, in speaking with them,
7 everyone says you're the go-to guy for A block, you're the
8 go-to guy for 6 company, you're the go-to guy for Matt and
9 Sweat. And they say, you know, if you need the cells
10 upgraded, the amperage increased, you're going to help
11 facilitate that. If they need something brought to them,
12 you're going to help facilitate that. If you need
13 paintings done by Matt, you know, you go through Palmer;
14 he's the guy for that. You, and only you, are the main
15 liaison to Matt and Sweat, and we've been told that you
16 delivered that first frozen block of meat.

17 A That doesn't ring a bell.

18 Q It doesn't ring a bell.

19 A If I had done that, I wasn't aware that the meat
20 was in the container or whatever you're describing it as.

21 Q Okay, so is there a possibility that you weren't
22 aware but you, nonetheless, delivered something in this
23 time period?

24 A Yes.

25 Q That's a possibility?

1 A That would be a possibility, being unaware of it,
2 but I only delivered the meat one time.

3 Q Did you ever deliver anything of any kind of heft,
4 any kind of weight in the April/May period other than the
5 meat we're talking about?

6 A Nothing that comes to mind, no, no. That surprises
7 me there.

8 Q And you're not aware of any other COs that are
9 performing these similar functions for Matt and Sweat that
10 you performed.

11 A No.

12 Q You're the guy. Sweat says he got meat. He says
13 he got meat twice. Got meat, the second one, which you
14 adequately described, and the first time, and Tilly says
15 you're the man. You delivered that meat.

16 A And I got the meat from Tilly?

17 Q You got the meat from Tilly. You got a package
18 from Tilly to deliver.

19 A If I delivered it, I was unaware of that, about
20 there being any meat in it.

21 Q Okay, well, think about it. Is there anything that
22 you delivered in late April 2015, early May 2015 that you
23 might have chucked through the bars, landed on Matt's bed
24 and you're done with it, something that Tilly said drop
25 this off, maybe in an envelope?

- 1 A I'll go with that, in an envelope, but I wasn't --
- 2 Q I don't want you to go with that. I want you to
- 3 think about it, and just --
- 4 A Oh, I am.
- 5 Q -- think hard, something to jog your memory.
- 6 A I am, but that one time with the meat, besides my
- 7 lunch.
- 8 Q I'm not talking about your lunch.
- 9 A That just doesn't ring my memory.
- 10 Q Can you conceive of any other way that a block of
- 11 meat could be dropped on Matt's bed in that time period?
- 12 A How it could be done?
- 13 Q Yeah. If you're the go-to guy -- what other
- 14 possible go-to guys are there? Who else would be
- 15 performing this service for Tilly? Who could Tilly trust
- 16 besides you?
- 17 A Allen Trombley, possibly.
- 18 Q Allen Trombley?
- 19 A Well, he worked in the shop for years with her.
- 20 Q Did they have a good relationship?
- 21 A I believe they did.
- 22 Q Wasn't Allen Trombley looking to bid out of there?
- 23 A Yes, he did. He did bid out of there.
- 24 Q And why was he looking to bid out of there?
- 25 A That, I don't know why he did. Possibly, he wasn't

1 comfortable with her.

2 Q So do you think she would go to Allen Trombley to
3 deliver meat?

4 A Probably, not.

5 Q No.

6 A But I don't remember. When you say that, I don't
7 recall that, about bringing just one package of meat,
8 unless there was an envelope and I wasn't aware what was
9 in the envelope.

10 Q That gets back to the first question. Do you
11 recall delivering envelopes where you were not -- or a bag
12 or a package where you were not aware of the contents?

13 A We'll go yes.

14 Q I don't want we'll go.

15 A Yes.

16 [REDACTED] We'll go isn't an answer.
17 You have to remember, and if you don't remember,
18 you don't remember.

19 A That, I don't remember.

20 BY [REDACTED]

21 Q Two quick questions, if I could. Sir, were you
22 working the last week of May, beginning of June, or are
23 you on vacation, do you know?

24 A No, I was working the last week of May.

25 Q Okay, at the time of the large fight in the yard,

1 you were working during that time period?

2 A Yes.

3 Q Okay, and another question. You mentioned the name

4 [REDACTED] as a sergeant?

5 A [REDACTED].

6 Q [REDACTED], sorry. [REDACTED] works in the mess

7 hall, is that right? Did he ever work in the mess hall?

8 A He never had a bid in the mess hall, but he may

9 have filled in with the mess hall.

10 Q Do you know if [REDACTED] was ever also

11 delivering meat from the mess hall?

12 A Not that I ever saw.

13 Q Did he give you the fish that went to [REDACTED]

14 A No.

15 Q Okay.

16 [REDACTED] As a follow-up on that,

17 do you mind if I just ask --

18 [REDACTED] Absolutely.

19 BY [REDACTED]

20 Q How did the venison that you described before get

21 into the facility? Do you have any knowledge?

22 A Venison?

23 Q Venison, you said COs brought venison in.

24 A Other staff members would bring meat in and cook

25 meals for the officers, and whatever may be left over,

1 then you would give it to the porter, and he would clean
2 all of the dishes and clean the cooking area for you.

3 BY [REDACTED]

4 Q Going back to the tailor shop, you've got Tilly
5 Mitchell giving you a number of items to bring back.
6 We've talked about the glasses, and some photographs, and
7 some gloves, and those sorts of things, but and the meat,
8 and you went and got a painting for her, so there is a lot
9 of activity coming out of that tailor shop between you and
10 Tilly. Did you ever discuss your concerns or any concerns
11 about Tilly Mitchell's relationship with the inmates with
12 Trombley, who was the assigned CO in the tailor shop?

13 A No.

14 Q Did you ever discuss Tilly Mitchell in any way with
15 Trombley?

16 A No.

17 Q You said that in the few weeks before the escape
18 that she was dressing inappropriately, showing cleavage.
19 Did you bring that to his attention or discuss your
20 concerns about that with the officer that was in the shop
21 with her?

22 A No.

23 Q And why do you think that -- there's obviously a
24 relationship where she is -- where Tilly Mitchell is
25 providing goods to a number of things, to an inmate, who

1 is not only in her shop but also back in honor block, and
2 you didn't think it was important to make sure that you
3 and Palmer were on the same page -- that you and Trombley
4 were on the same page?

5 A No. He knew what Matt was doing, as in giving
6 information.

7 Q But was there any discussion about -- yeah, so I
8 understand you have to -- you know, that you give them a
9 little bit. Every once in a while, you give them
10 something. There was never a discussion specifically
11 about that with Matt?

12 A No.

13 Q Weren't you concerned that you were putting
14 Trombley -- or, yeah, Trombley at risk in the shop with
15 Tilly being too close with Matt?

16 A No.

17 Q That never came up.

18 A No, because, like I said, I was only in the shop
19 for like five minutes at a clip.

20 Q Were you aware that there were concerns in the shop
21 about the fact that she might be having a relationship
22 with Sweat or with Matt at different times?

23 A That had come up. Apparently, there was rumors
24 that -- not rumors, but the IG investigated a suspected
25 affair that she had with Sweat, but that came back

1 negative.

2 Q DOCCS IG did an investigation.

3 A Okay, I'm not sure who.

4 Q When you say "IG," you mean DOCCS IG.

5 A Yes. And then they just removed him from the shop.

6 Q What we're talking about -- part of your job is --
7 your primary job is security in the prison, correct?

8 A Yes.

9 Q Now, you've got a number of contacts with Tilly
10 Mitchell. You've got rumors of her possibly having a
11 relationship with inmates. You've got her specifically
12 requesting paintings from one of them. She's having you
13 deliver things back and forth to them, and you never
14 considered the security of Trombley back at the station or
15 bringing -- or back at the tailor shop or bringing him
16 into the conversation?

17 A No, because I believed that he was aware of the
18 things.

19 Q How do you know that?

20 A I don't.

21 Q Did you ever ask Tilly what Trombley knew?

22 A No.

23 Q You would go into the shop -- I mean, primarily, I
24 would assume you're checking security issues with Trombley
25 when you would stop in.

- 1 A Yes, I would speak with both of them.
- 2 Q And you would ask them if there's any problems with
3 inmates, correct?
- 4 A Yes.
- 5 Q And there was certainly a discussion about a
6 painting with Trombley, but there was no other additional
7 discussions about Tilly's involvement with Matt --
- 8 A No.
- 9 Q -- at any time? Do you recall a time that Tilly
10 Mitchell brought in a printout or something from a website
11 involving, I believe, Matt's [REDACTED] in the -- and was
12 showing that, a painting, that he had done in the shop.
13 Do you recall that, a painting Matt had done --
- 14 A No.
- 15 Q -- and Tilly had a photograph of it?
- 16 A No. Describe that some more again?
- 17 Q Tilly would have brought out a -- would have been
18 possibly doing research about Matt, the same way that
19 maybe you and Mary did, where you looked to see if Matt's
20 [REDACTED] had received any kind of paintings or had gotten
21 any paintings, and that they were discussing it on the
22 shop floor, a painting. They went and saw a website or a
23 Facebook post, and Tilly maybe took a screen shot or a
24 screen grab of that and was discussing Matt's painting
25 ability?

- 1 A No, I don't recall that.
- 2 Q Oh, okay. When you were up -- and I don't mean to
3 go totally back. When you were up and you were allowing
4 Sweat back on honor block back into the catwalk, are any
5 -- where are the other COs at that time?
- 6 A They're downstairs.
- 7 Q So how many floors are you away from them?
- 8 A Three.
- 9 Q And you're gone for a significant period of time,
10 and no one comes up and checks on you?
- 11 A No. We were only gone for ten minutes at the most.
- 12 Q Did any of those COs see you remove Sweat and bring
13 him up there with you?
- 14 A No.
- 15 Q Were you waiting -- were you purposely avoiding
16 them, the other COs?
- 17 A Yes.
- 18 BY [REDACTED]
- 19 Q Did you provide Sweat tools to do the amperage
20 upgrade?
- 21 A Yes.
- 22 Q What tools?
- 23 A A screwdriver and a needle-nose.
- 24 Q And where did they come from?
- 25 A From my house.

- 1 Q And how long did he have them?
- 2 A Ten minutes, and then he handed them back to me.
- 3 Q And then you brought them where?
- 4 A Back home.
- 5 Q And every time that he did a cell upgrade, he would
- 6 -- you would bring them from home again?
- 7 A Just those two times.
- 8 Q Those two times. Other than allowing Sweat on to
- 9 the catwalks -- catwalk, did you allow Matt onto the
- 10 catwalk?
- 11 A Yes.
- 12 Q On how many occasions?
- 13 A One occasion.
- 14 Q One occasion?
- 15 A Yes, I recall it was one.
- 16 Q Are you sure about that?
- 17 A I believe it was once. Well, twice.
- 18 Q Okay.
- 19 A Because -- yes, two times.
- 20 Q Okay, describe that.
- 21 A To place his tubes of paint above the air vent and
- 22 to go back to receive, retrieve the paints from the air
- 23 vent.
- 24 Q Okay, describe it, though. You learned that --
- 25 tell me why that you allowed this. What are you -- why

- 1 are you doing this?
- 2 A He had excess of excessive paints, I thought.
- 3 Q Okay, and this is just one day you determined he
- 4 has excessive paints.
- 5 A Yes.
- 6 Q You determined that or he determined that?
- 7 A He did.
- 8 Q So one day he comes to you and says, hey, Gene, I
- 9 have excessive paints.
- 10 A Yes.
- 11 Q And you say, let's hide them?
- 12 A Yup, we'll put them on the catwalk.
- 13 Q Okay, so what does he do? Does he gather his
- 14 paints together?
- 15 A Yes.
- 16 Q In what?
- 17 A They were in a box, a small box.
- 18 Q How small?
- 19 A About this size. (Indicating.)
- 20 Q And so you're showing me, what, 8 by 8, 9 by 9
- 21 inches?
- 22 A Yes.
- 23 Q Okay, and how high?
- 24 A Two inches.
- 25 Q Two inches.

1 A Yes.

2 Q So these are little bottles of paint or --

3 A About four inches long.

4 Q Okay, and so is this box full of tubes?

5 A Yes.

6 Q Okay, did you search that box?

7 A No.

8 Q Did you just do a quick visual?

9 A Yes.

10 Q Do you know what might have been in the bottom of

11 that box?

12 A No.

13 Q Okay, so he has -- he presents this box of tubes to

14 you, and he says I need to hide these.

15 A Yes.

16 Q And you do it.

17 A Yes.

18 Q Okay, did you think you were going out on a limb

19 there or --

20 A I was in a gray area, yes.

21 Q Why would you do that for Matt?

22 A Because he gave up information.

23 Q If it's only excessive paints, what's the chances

24 that it will ever be confiscated?

25 A Well, we didn't know that.

1 Q Did you ever see excessive paints being
2 confiscated?

3 A Yes.

4 Q You have seen that?

5 A Or excessive cigarettes.

6 Q But paints?

7 A Yes.

8 Q Isn't it true that both Matt and Sweat kept a large
9 volume, large quantities of paints and paint brushes
10 beyond what they possibly could have been allowed to have?

11 A Yes.

12 Q And as far as I know, it was not ever seized.

13 A No.

14 Q Never determined to be contraband.

15 A No.

16 Q Okay, so am I correct in saying you're -- it's a
17 little bit of a stretch for you to go place this on the --
18 on the catwalk?

19 A No.

20 Q Did you have any concerns that he was duping you
21 into hiding something that was really contraband like,
22 say, a weapon?

23 A No, because I was with him. When we were on that
24 catwalk, I put it on the -- I put it up top. I was with
25 him the whole time.

1 Q Right, but do you know what all the contents of the
2 box were?

3 A Not the cardboard itself but the paints inside the
4 box.

5 Q Because you just looked at it.

6 A Yes, a visual look at it.

7 Q Both you and Matt walked down, opened the doors,
8 both of you walked down the catwalk.

9 A Yes.

10 Q To his cell?

11 A No, the catwalk's behind his cell.

12 Q Sure, but I mean to the area behind his cell or any
13 cell?

14 A No, that was put at the very -- at the front of the
15 catwalk.

16 Q Okay, so when you first come through the doors.

17 A About, roughly, where the showers are. Wherever
18 the vent is is where it was.

19 Q And he took the box and placed it up overhead?

20 A I did.

21 Q And so would it be visible to any other COs coming
22 down the catwalk?

23 A No.

24 Q No, and then you exit.

25 A We both exit.

1 Q Okay, and then how much later until you allow Matt
2 to retrieve that box?

3 A When I came back from vacation. When that vacation
4 was taken, it would have been in 2014.

5 Q So how long -- what period of time elapsed in
6 between?

7 A The vacation lasted two weeks.

8 Q So it was at least two weeks that these items were
9 on the catwalk?

10 A Yes.

11 Q And what -- what was the concern that these items
12 would be discovered at that point in time as opposed to
13 any other day?

14 A Just a random cell search would come up.

15 Q Were you concerned about a random cell search or a
16 possible, like, imminent suspected cell search based on
17 cause, maybe?

18 A Maybe both.

19 Q Do you see it as possibly alerting Matt to the fact
20 that a cell search is imminent?

21 A Well, I don't ever recall his cell ever being
22 searched the whole time I was there.

23 Q But wouldn't your actions of saying -- of allowing
24 the items to come out of his cell indicate that a cell
25 search appears imminent? Aren't you forewarning him?

- 1 A You could look at it that way now, yes, but you
2 didn't know when the cell searches were coming down.
- 3 Q The day of, you would?
- 4 A The day of, you would.
- 5 Q You would. You'd be notified in the morning?
- 6 A Yes.
- 7 Q You could, if you wanted to, alert --
- 8 A Yes.
- 9 Q -- an inmate that a cell was -- did you ever do
10 that?
- 11 A No.
- 12 Q Never.
- 13 A Never.
- 14 Q And you said you don't believe Matt or Sweat's cell
15 was searched. Why do you -- why do you not believe that?
- 16 A I don't recall their cells ever being searched.
- 17 Q Would you know?
- 18 A Yeah, I think they would have told me.
- 19 Q Other than that -- other than them telling you,
20 would you know by any other means?
- 21 A Except for the information transferred from the
22 first officer.
- 23 Q What about a receipt? Do the inmates receive a
24 receipt?
- 25 A Yes, and a lot of them will post them, tape them up

1 on their wall.

2 Q Do they always receive a receipt?

3 A Yes.

4 Q And would that be something Matt would tell you
5 about if his cell was searched?

6 A Yes.

7 Q And Sweat?

8 A As other inmates would, too. They would have come
9 up and asked why was my cell searched.

10 Q So you don't believe his cell was ever searched.

11 A Not that I ever saw. Not that I ever saw.

12 Q If a ticket exists that purports to reflect a cell
13 search of Matt's cell, would that be truthful or --

14 A Yes.

15 Q It would be.

16 A It's all documented. I've never seen a cell
17 search, but it had to be searched sometime. Those are all
18 CMCA's. There's seven of them that were up there.

19 Q CMCA's.

20 A Yes.

21 Q Which means?

22 A Well, I don't actually know what it means, but
23 they're highly monitored inmates, and they're supposed to
24 be moved on a regular basis. I don't know the time frame,
25 but that wasn't being done.

- 1 Q I'm sorry, so the CMCA's are on 6 company?
- 2 A Oh, they were all over the jail. You have --
- 3 Q But are there any on 6 company?
- 4 A Yes.
- 5 Q There are.
- 6 A Yes.
- 7 Q And so how does that play into the searches?
- 8 A It doesn't. It's just that those guys, they were
- 9 never moved either.
- 10 Q Was Sweat or Matt a CMCA?
- 11 A I believe both of them were.
- 12 Q And so if they were, in fact, a CMCA, that would
- 13 require that they be relocated frequently?
- 14 A Through the administration.
- 15 Q How frequently?
- 16 A It was either every six months or every year they
- 17 were supposed to be moved. I'm not sure of the exact, but
- 18 that's documented. All CMCA's are supposed to be, but that
- 19 wasn't being done. Whether lack of staffing or whatever
- 20 administration, that wasn't being done.
- 21 Q So despite the fact that you say that you don't
- 22 believe their cells were searched, if there is a receipt
- 23 for a search --
- 24 A Well, their cells would have had to have been
- 25 searched over an eight year -- well, Sweat wasn't in there

1 eight years, but --

2 Q What about in the last six months, would you know
3 if their cells were searched? I'm sorry, I shouldn't say
4 the last six months. I should say January 1st to June
5 5th.

6 A Not that I recall.

7 Q But you wouldn't necessarily know.

8 A No, but that would be documented.

9 Q Understand, yeah. So when you say you don't
10 believe Matt's cell was searched, you're just not certain,
11 though.

12 A Correct.

13 Q Okay, but Matt never told you it was searched.

14 A Correct.

15 Q And that would be something he would tell you.

16 A Yes.

17 Q Okay. Have you ever seen a cell search form
18 completed when you know the cell wasn't searched?

19 A Yes.

20 Q Describe the circumstances.

21 A It depends on what time -- what's going on in the
22 jail, how backed up you are. I don't do the cell
23 searches.

24 Q I understand.

25 A But it's through my history of working in

1 corrections. When I worked at Green Haven, they used to
2 give you three cell searches a day. Now, when you do
3 that, you're supposed to lock the front door, lock
4 everybody in, because the first officer has to stay in his
5 cage, and you got to go perform that task. Well, when the
6 visits come up or hospital call-outs or whatever, you've
7 got to stop what you're doing. There was -- the glass was
8 overflowing with water of too much work and not enough
9 officers, and, yes, you would just forge the NCF and move
10 on.

11 Q Okay, did you ever see anybody do that?

12 A Yes.

13 Q Did you ever see that in A block?

14 A Not in A block, no.

15 Q What officer did that?

16 A That would forge that? You're talking about
17 hundreds of people that would. It would depend on what
18 was going on, what was going on in the jail. Just like
19 with B block when chow was coming, if things got backed
20 up, things got backed up, just sign it and put it in the
21 cell and move on.

22 Q Are you familiar with CO Allen? I think his name
23 might be Patrick Allen? CO Patrick Allen.

24 A Patrick Allen?

25 Q He's in A block.

1 A No. I've got to see his face. That just doesn't
2 ring a bell, but tell me more about that.

3 Q Well, I wanted to know --

4 [REDACTED] Well, I imagine there's a
5 question.

6 Q I wanted to know if you ever saw him complete a --
7 falsify a cell search form.

8 A No, that doesn't ring a bell.

9 Q Doesn't ring a bell.

10 BY [REDACTED]

11 Q Did you know of anyone at Clinton -- you mentioned
12 Green Haven. Do you know of anyone at Clinton that forged
13 one of these cell frisk forms?

14 A No names comes to mind, but over my career of 25
15 years working there, that happens. It's not something
16 that you intently do. It depends on what's going on, how
17 the jail's run, because when the cell searches come down,
18 there are only two officers in the block that do it, and
19 it's the second officer's job to do that, depending on
20 what's going on and they want that paperwork back
21 upstairs. It's the same thing as --

22 Q I guess I'm trying to figure out how do you know
23 that this happens. Did you do it once?

24 A Oh, I've done that before in the past.

25 Q Okay, so we do know someone at Clinton. Yourself.

1 A And it's the same -- the same thing when you get
2 into a fire drill. It's the same thing. When you have a
3 fire drill, you're supposed to perform a fire drill.
4 You're supposed to take the block, take every inmate out
5 of the block and put them in the north yard or put them in
6 the hallway, and then you got to sign the form that says,
7 yes, I performed that task. That takes too long. You
8 don't do that. You just forge it and everybody moves on.
9 Upstairs knows that.

10 Q So administration is aware that you have forged
11 these cell frisk forms? You said upstairs knows that.

12 A Well, they know about the fire drills. I'm sure
13 they -- they worked the history of the jail as officers,
14 too, and I'm sure that they did the same thing, too, when
15 it came time, when you just got too busy. Because now
16 when you want to talk when you want to frisk a cell, that
17 takes -- that's -- to do that right, after all of the
18 property they got in there they're allowed to have, that's
19 going to take you an hour, and you don't have an hour.
20 Okay? That ain't -- you're not -- just get it done.
21 Here, let's talk about facility frisks, okay? When you
22 start, the first thing that does, it costs money, because
23 now that's why they didn't shut the jail down with the 20,
24 30 man fight, because that was going to take five days,
25 five days that industry doesn't work. That's production

1 that they don't put out; therefore, you get more
2 grievances from other jails. Building 2 doesn't want to
3 hear about grievances. You get them to go away. However
4 you do it, get rid of them. So now when that 30-man fight
5 jumps off, they don't want that jail down. We would have
6 locked that jail down in a heartbeat, but they have
7 backorders in the -- in industry for clothing. So now it
8 takes five days, so now you start searching their cells.
9 Well, now to do this properly, you want it done by the
10 letter of the rule, it's going to take me an hour per cell
11 to check every envelope for a razor blade, check every
12 bag, under the mattress. There are tons of things in
13 those cells. That takes time, so now you're taking too
14 long, Gene. Hurry up, get it done. Get in there.
15 Briefly, get through it to get it done, because you'd have
16 administration come down from upstairs, and they'd come
17 down and they'd start screaming at the sergeant: You're
18 taking too long. You're taking too long. Move it along.
19 Move it along. So with that theory -- not theory, but
20 with that fact put in place, then you wonder why I go
21 through A block with a convict or go through C block and
22 don't -- go through B block corridor because A block and C
23 block don't have metal detectors; but, yet, on paperwork,
24 you want it done that way, but when we do do it that way,
25 then you chew our asses out. So then they're -- so that's

1 why the mentality of the staff is, well, if we do it by
2 the letter of the rule, the jail won't run, and then you
3 yell at us for doing it that way. It comes down to being
4 understaffed, and there's not enough money in the budget.
5 And the executive team, if you can't make the jail run,
6 we'll replace you with somebody else and have them come in
7 there and cross their fingers and hope nothing goes wrong.
8 So that's why when officers take short cuts, you have to
9 take short cuts or the jail's not going to run, because
10 you got to get them fed, and you've got to get them -- and
11 any time you get backed up, overtime occurs. Now Albany's
12 screaming, why do we got overtime?

13 BY [REDACTED]

14 Q Earlier you mentioned a rumor of a relationship
15 between Matt -- I'm sorry, between Sweat and Joyce
16 Mitchell. When did that surface, do you recall?

17 A It must have been within a year before they
18 escaped.

19 Q In 2014.

20 A Yes.

21 Q And do you know where the rumor came from?

22 A No.

23 Q Was there a rat note?

24 A I don't know how that surfaced.

25 Q Okay, what was the rumor?

- 1 A That she was having an affair with Sweat.
- 2 Q What type of affair?
- 3 A Just that she was having an affair with him.
- 4 Q A sexual affair?
- 5 A I believe so, yes.
- 6 Q Okay, and what was your take on that? Did you find
- 7 anything to --
- 8 A Well, Vickie Safford, who worked for Scott
- 9 Scholl's, she's the number three in charge. He's number
- 10 one in charge. She had brought that subject up.
- 11 Q Was it investigated?
- 12 A Yes, it was.
- 13 Q Before it got to DOCCS IG, did they investigate it
- 14 internally at Clinton?
- 15 A I don't know about that. I only came to that
- 16 knowledge after it was completed.
- 17 Q Did Kris Mullady ever talk about it?
- 18 A I imagine he must -- well, now, he would have been
- 19 the shop sergeant, so he would have been aware of that.
- 20 Q Did he ever talk to you about it?
- 21 A No. Vickie's the one who told me about it. That's
- 22 how I found out.
- 23 Q Did Scott Scholl ever say anything about it?
- 24 A No.
- 25 Q No? Stephen Dubrey?

1 A No.

2 Q Captain David Lucia?

3 A No.

4 Q Okay, and from what you know, it was
5 unsubstantiated.

6 A That is correct. They took Sweat, removed him from
7 the shop and then put him in the -- he went to work for
8 general library instead of boding him out of the jail.

9 THE COURT REPORTER: Instead of what?

10 MR. PALMER: Boding, transfer him out
11 of the jail. They let him stay in the facility,
12 which they shouldn't have done.

13 BY [REDACTED]

14 Q Well, who's the officer that works in the library?

15 A The general library? There's no officer for the
16 general library. There's a desk outside the general
17 library.

18 Q There's like a --

19 A That would be the law library.

20 Q That's the law library.

21 A Yes, the law library.

22 Q That's not the one that Sweat went to.

23 A No.

24 BY [REDACTED]

25 Q So if they unsubstantiated the rumor, why was Sweat

1 removed?

2 A You would have to talk to Scott Scholl about that.

3 Q Okay, you don't know.

4 A No.

5 Q Okay, did you assist in Sweat returning to the

6 shops?

7 A Yes, I did.

8 Q At Matt's request?

9 A I don't know if it was Matt's request, but Matt

10 wanted a back-up on 6 company because they painted, and he

11 worked in the general library, and that brought him to 2

12 company or 5 company. So, and the way -- and also -- so

13 worked any inmate that wasn't in A block, he always tried

14 to keep them in the block because they were well behaved

15 even though that, yes, they might have put the child in

16 the microwave, that's secondary. Once you're in the cage

17 with the lions, you got to get them to jump through the

18 hoop because you get six feed-up trays for six lions, but

19 there's only five meals given to you, and you got to make

20 it work, but, anyway, with that being said --

21 Q So Matt wanted Sweat back up on 6 company.

22 A Yeah, so they could paint together.

23 Q And in order to do that, you had to --

24 A Yes, and what we did there was I went and talked to

25 Scott Scholl, and talked to Scott and said, Can we put

1 them back in the tailor shop? And he said put him back in
2 tailor 8 -- not back in tailor, put them in tailor 8. By
3 putting him in tailor 8, that entitled him to go upstairs
4 to 3 and 6 company.

5 Q Okay, so the swap would have been much harder to do
6 if Sweat was not in tailor shop, if he was still in the
7 library.

8 A Yes, he would have had to stay on 2 and 5. To work
9 -- to lock on 3 and 6, you've got to work in the tailor
10 shops.

11 Q Okay, so you had to get him back into the tailor
12 shop first, and that was at -- to accomplish the swap,
13 which is what Matt wanted.

14 A Yes, he was -- he liked painting. They painted
15 together, so they locked together. Sweat was an easy guy.
16 He never said nothing. He never caused no problems.

17 Q So they locked together by mid January or late
18 January --

19 A Yes.

20 Q -- of 2015. Okay. When inmates who leave the
21 tailor shop, who's responsible for filling out the
22 logbook?

23 A The officer in the tailor shop would.

24 Q Would that be in tailor shop 1? Would that be
25 Allen Trombley?

1 A Yes, or whoever the officer was present. But now
2 let's say that an inmate was sick and you had a good
3 working rapport with the inmate, there were times you
4 would bring the guy back and just let him have the day
5 off, or if he was having problems with his family on the
6 street or he was stressing out, let this guy go back and
7 chill out for a day. So I would bring him, or whatever
8 other escorts, you would bring the guy back to the block,
9 whether it was probably never logged in the log box that
10 this inmate left the shop. Some officers may have logged
11 that, but generally that was off the record.

12 Q So how many times did you bring Matt back from the
13 tailor shops -- from the tailor shops to the hospital or
14 to his cell because he had sciatic issues?

15 A Maybe three times.

16 Q Okay, I've reviewed the logs from tailor shop 1 for
17 all of 2015. I don't see a single mention of the
18 hospital. Is that -- that's just something that's not
19 logged.

20 A No. It depends who -- it depends -- it depends
21 who's running the shop.

22 Q Why is it not logged? It's just a courtesy or --

23 A It's just not. It's not really mandatory;
24 although, it should be but it's not always done.

25 Q Okay, but is there a regulation? Is there

1 something that requires you to make an entry -- not
2 requires you -- requires the officer in tailor shops to
3 make an entry in a logbook?

4 A I'm sure there's a directive that states that that
5 should be done.

6 Q Was Allen -- did you observe Allen Trombley doing
7 other things? Was he incredibly busy and didn't have time
8 to make entries in logbooks?

9 A No.

10 Q Did you observe him with his feet up on the desk?

11 A Possibly a few times here and there.

12 Q Was he an avid reader?

13 A Yes.

14 Q Books, magazines?

15 A Yes.

16 Q Is that something an officer in the tailor shop
17 should be doing or --

18 A It's a gray area. The time and the boredom that
19 you generate in that shop for that time frame, you would
20 read a book, and then you would look up when you hear
21 anything and then read the book. But, yes, reading is a
22 common way to pass time for any officer.

23 Q Right, okay. Were you aware that Joyce Mitchell
24 brought rum into the tailor shop?

25 A Only after the fact.

- 1 Q Only after the fact.
- 2 A Yes.
- 3 Q How did you become aware of it after the fact?
- 4 A Just from, I believe either the TV, possibly. I'm
- 5 not sure how I acquired that information.
- 6 Q Okay, and you were aware of the eyeglasses because
- 7 you, in fact, transported them.
- 8 A Yes.
- 9 Q And you were aware of sparring gloves because you
- 10 transported them.
- 11 A Yes.
- 12 Q And I think he earlier asked about work gloves, and
- 13 you said you weren't certain about that?
- 14 A Yes.
- 15 Q Yes, you weren't certain.
- 16 A I believe I may have.
- 17 Q Oh, I'm sorry, you may have brought work gloves?
- 18 A Yes, I'm vague on that.
- 19 Q Okay, and pepper, you said --
- 20 A No.
- 21 Q -- no recollection.
- 22 A No.
- 23 Q Large quantities of pepper, too.
- 24 A No, I don't remember that.
- 25 Q Okay, what about yeast?

1 A No.

2 Q Ever see Matt with yeast?

3 A No.

4 Q What about a necklace coming up for Sweat?

5 A I don't remember anything about a necklace.

6 Q Never had to deliver that?

7 A No.

8 Q Okay. The alarm clock, you said, yeah, you brought

9 that up. Did you ever observe Joyce giving Sweat, Matt

10 and others like fried chicken?

11 A No.

12 Q Did they ever get to stay behind during chow?

13 A Well, now, that I wouldn't know that, because the

14 way that worked, and I can see that -- because this has

15 happened before, where an inmate has stayed back in one of

16 the shops and tried to rape a woman. Now, in my case I

17 had A block steps, and Matt's group, they went through C

18 block, so when chow ran, I would stand on A block steps

19 and watch all the inmates. And what you would do, as each

20 shop came by, you would count how many inmates they had.

21 And as the officer came up from the rear, then you would

22 tell them. Like tailor 8, I think, had 43 men. Some days

23 it would vary one or two, but then when the officer came

24 up, you would say you have 43 men, and he would know what

25 his count was, and then he would say yes, and then the

1 groups would go in. But, also, when that took place, when
2 they ran chow -- and hear's another thing. When they go
3 to chow, that officer in that shop is supposed to
4 pat-frisk every guy down before he leaves that shop. Now,
5 per training film, it takes five minutes to pat each guy
6 down. Now, you got 40 convicts, and they're going to take
7 five minutes to pat each guy down. Now production just
8 stopped once again. That cannot physically be done
9 because of a lack of staff. So, basically, you get all of
10 your tools back. You would account for all the tools that
11 were done, and just as long as you got your scissors and
12 your tweezers back, you're good to go. Anything else that
13 leaves the shop, good luck.

14 Q But from your position at A corridor, you would not
15 be in a position to know --

16 A That he had stayed, but I have had inmates stay
17 back, but as for that, no, because I was in A block, and
18 the officers that stand on C block would make those
19 counts.

20 Q Did you ever hear from Joyce, Sweat or Matt that
21 they managed to stay behind --

22 A No, because that was -- you didn't do that. You
23 don't allow that to happen, but I can see with if the --
24 because, apparently, they have had an affair, her and
25 Matt, it wouldn't be hard to trick a new officer that had

1 come into the shop and her to distract him and him not to
2 be familiar with his count, although he was supposed to,
3 and then Matt would hide. This is how this would happen.
4 That's how you would do that. He would go into the
5 bathroom, or wherever he would hide, or wherever you could
6 hide, that's how you would accomplish that.

7 Q But you have no knowledge of this actually
8 happening.

9 A No.

10 Q Okay.

11 A But looking back with all the information I have
12 gathered, I can see that it may have happened.

13 Q And part of -- as part of providing Matt and Sweat
14 with all of these perks, basically, you said that they
15 provided you information.

16 A Yes.

17 Q In turn, did they also provide you protection?

18 A No, no, although, I had their respect as every
19 other convict in that jail. I could walk -- I could walk
20 through a group of those convicts, and nobody would touch
21 me.

22 Q So if a riot occurred, if all hell broke lose
23 you're getting out of there?

24 A In my career, I believe there was three times,
25 maybe four times where I had inmates come up to me and

1 goes, When this place jumps, you're going to walk out the
2 door. And the reason why that was was because I gave them
3 respect because [REDACTED] or other officers, you treat
4 them like men. They act like men, you treat them like
5 men. You don't kick them just because -- and despite what
6 crime they did on the street, it doesn't -- it changes.
7 Once you're in the cage by yourself, you got to get them
8 to jump through that hoop, however you do it without
9 getting hurt.

10 Q And so was Matt one of those guys? He's got your
11 back?

12 A He would have protected me.

13 Q Did he tell you that?

14 A Yes. And it's the other inmates because -- here's
15 the other thing. When I had uses of force, I had numerous
16 inmates that would come up the next day and goes, I heard
17 you had a use of force. They would go, I'll go pound that
18 fucking guy for you right now. I said, No, I'll take care
19 of it, all the time.

20 And here's another situation. [REDACTED]
21 he was admin "segged" for 18 years. [REDACTED] He
22 was one of the top Latin Kings in New York State, and I
23 got along with that guy. We just got along. And when he
24 got married, and, yes, the lady that he married was
25 probably bringing in a ton of drugs. Most likely, that

1 was her function, but they got to eat, too. That's just
2 the way it works. And I was the escort, and this is how
3 our relationship started, and I drew a piece of paper with
4 flowers on it, and I gave it to her. And the one lady
5 that was representative, she threw the flowers over her
6 shoulder, and that's how our relationship stopped.
7 Although, I didn't have a lot of dealings with him because
8 he was in the box, but when I went to the box, he never
9 forgot about that. When I would go to the box, those guys
10 would be screaming on those cells. And when you have to
11 walk down those galleries, he was usually in the first
12 cell. I would walk up and talk to him, and then he would
13 say something in Spanish and the whole, boom! Everything
14 stopped, and nobody said a word. And I would walk down
15 that gallery, and nobody disrespected me. Oh, yeah, I was
16 in a gray area, but if a convict had a problem, they knew
17 they could come to me, and I would help them out. I would
18 fix it or help try to solve their problem for them. There
19 were a lot of officers that did that task, and that's the
20 way you make that work, make the system work. And now
21 that I've helped this guy out because his package, or he's
22 having problems with his family or his phone or a
23 grievance, now, in return, they come up out of the clear
24 blue sky. And I didn't aggressively go look for these
25 guys. They would just come up to me and go this is what's

1 going to happen today, or this is why that fight took
2 place yesterday. Ten percent of the officers do their job
3 there; ninety percent of them don't. And there was only a
4 handful of officers that those inmates knew that they
5 could go to. Just like when [REDACTED] when [REDACTED] was
6 a dep of security, that convict come up to him in the mess
7 hall and said, Tomorrow at noontime, you're going to have
8 a 10-man shank fight in the mess hall. And [REDACTED] went
9 upstairs with [REDACTED], and [REDACTED], who was the
10 superintendent out of Franklin, that's not going to
11 happen. Well, [REDACTED] believed [REDACTED] and he shut the
12 annex down on information that a convict gave [REDACTED] because
13 [REDACTED] was probably giving him mess hall food to get
14 information. And they shut the jail down, and myself,
15 along with [REDACTED] -- of course, he's in jail now --
16 we lined up that B block corner with 40 officers from the
17 annex, and just like that convict told [REDACTED] it jumped
18 off, and we were ready. And that's why you want to have
19 an informant, whatever it costs. If it costs a TV, get
20 him the TV, because just like that lady in tailor 4, when
21 they were going to rape her, the white kid and the black
22 kid come up to me and said, Hey, this is what's going
23 down. You gave me a TV. This is what's getting ready to
24 happen. Just like the lady, [REDACTED], who was a pain
25 in the ass, who wrote everybody up because she strutted

1 around in a suggestive clothing because she wanted to
2 fabricate a lawsuit which she did lose. When that inmate
3 came up to me and said, Hey, she's having an affair with
4 another inmate in there. She brought in flags from the
5 Dominican. And then when we were talking to the sergeant
6 about it -- I don't know if it was Kris Mullady or [REDACTED],
7 they said, Well, what are we going to do? I said, What
8 are we going to do? We're going to run the other way,
9 that's what we're going do, run the other way. And I
10 remember going to Steve Brown, telling -- complaining to
11 him about her. I said, When that lady gets raped, don't
12 call me, don't call me. Because I complained to him about
13 her dress code, because when a convict gets done raping
14 her, then I'll go in there and stand the convict up and
15 pat him on the back, and here's a TV, go on, because you
16 people didn't want to do nothing about the dress codes,
17 just as Tilly's dress code got fucked up at the very end,
18 and what was I supposed to do? Nobody upstairs wanted to
19 hear about it. Because why? Sensitivity training. Oh,
20 Gene, you offended somebody, now we're getting sued. Just
21 like [REDACTED] did, she sued all of us. They lost at the end
22 of the situation, but that was a deterrent of why would
23 you want to do your job?

24 So, and there are many more incidents where inmate
25 informants where they're I gave them a TV or the officers

1 in the mess hall were giving them food for information.
2 When that information came up, if we didn't get hurt, it
3 was worth the block of cheese that we gave the guy or the
4 box of chicken or whatever it was that I gave him. You
5 know, that's how you -- you got to buy information because
6 you're understaffed. And then you get on that afternoon
7 shift, you don't have any help showing up when that place
8 jumps, and that's why that TV program was up and running
9 and was effective. It was very effective.

10 Q Are there Clinton staff or DOCCS staff that are
11 trained to run informants and do this type of work?

12 A CIU does.

13 Q So why not let CIU do their job?

14 A Because half of them are incompetent. The only one
15 on that team that had any -- that had any quality was [REDACTED]
16 [REDACTED], and when he searched your cell, he stayed in there
17 for the whole eight hours and searched everything. He
18 read everything. That guy did his job at CIU. There was
19 only a handful of them guys I would talk to. The rest of
20 them, it was just a glory job. Oh, I get the CIU jacket,
21 and I get to walk around and get hired for overtime.
22 Hell, I knew more of what was going on in the jail than
23 they did.

24 Q Do you know the night shift COs on A block?

25 A Yes.

- 1 Q Who are they?
- 2 A You would have to say their names.
- 3 Q Blair? Blair?
- 4 A Blair, yeah, Leon Blair, I think might be his first
- 5 name.
- 6 Q Ronald Blair?
- 7 A Yeah, Ronnie Blair, that's correct. And then you
- 8 have that guy at -- I thought his last name started with a
- 9 G, the other officer, but there were several.
- 10 Q [REDACTED] [REDACTED]?
- 11 A [REDACTED], that's correct, [REDACTED], yes.
- 12 Q And so what do you know of them?
- 13 A They're easy going guys. [REDACTED], he was mouthy
- 14 here or there, but, Blair, he was easy when he was around
- 15 the convicts. He never caused trouble. You had certain
- 16 officers that were that way.
- 17 Q Are they part of the 90 percent who doesn't do
- 18 their job or the 10 percent who does?
- 19 A Well, now, it looks like they were the 90 percent
- 20 who didn't.
- 21 Q From your observations.
- 22 A Well, see, I'm not there on midnights, so --
- 23 Q Do you know anything about them?
- 24 A No.
- 25 Q No?

1 A No, because I didn't work with them.

2 Q Ever.

3 A Early in my career I did, but they both seemed --

4 [REDACTED] was always hot, hot headed, but --

5 Q Blair?

6 A Blair, he was easy. He knew how to talk to

7 convicts. He didn't -- he was like Andy Griffith, or the

8 Green Mile you have Percy. You have a lot of officers

9 that act like Percy. And I knew those guys, and I'll tell

10 you another thing I knew. I knew which officers that were

11 going to get hit before they got hit. I had convicts that

12 would come up and say, Hey, this happened yesterday, and

13 that officer was out of line, blah, blah, blah.

14 And another thing I'll tell you that came off of a

15 TV that paid -- that helped me out. One morning, I

16 cracked those -- my convicts out, and this black guy,

17 which is irrelevant, run right up to me and goes,

18 Mr. Palmer, we had a problem last night. He goes now

19 remember in New York City when the black guy got killed by

20 the cops selling cigarettes, they choked him out, I can't

21 breathe, I can't breathe? Well, that convict, I helped

22 him out with a TV. He come up to me the next morning and

23 goes -- and he was twisted. He goes, Mr. Palmer, this is

24 what happened last night. I go what happened? Well, we

25 all went to the commissary, which there was about 30 or 40

1 of us. We got down to the commissary, and there's three
2 officers down there and a young guy. And, normally, when
3 you're young, you say stupid shit. And, overtime, you
4 know which rules to bend and which ones not to bend. And
5 he started mocking about that inmate getting choked out.
6 I can't breathe. I can't breathe. He goes, Everybody,
7 even the white guys were ready to jump this guy and beat
8 them all down. I said, Okay, don't do nothing about it.
9 I'll take care of it. I went upstairs and took care of
10 that.

11 So back to the TVs, you may think that I was too
12 liberal with that information, but, over my career, you
13 have to have informants to suppress problems that are
14 coming down the pike or stop -- or go address officers
15 that didn't handle problems the right way that were too
16 aggressive, maybe whether youth or just even -- and then
17 you would still have officers that had 25 years on the job
18 that were idiots that acted like Percy. Just because you
19 had a badge, you could be disrespectful all the time.
20 Just like [REDACTED] was one of the main players that
21 could talk a convict down and be respectful because if
22 they would act like a man, you would treat them like a
23 man. Whatever they did on the street doesn't matter
24 anymore because you're locked in that cage with six lions,
25 and if they decide to bite you, you're in trouble.

1 BY [REDACTED]

2 Q But you had all of this experience. You're saying
3 that 80 or 90 percent of the guys aren't there doing their
4 jobs.

5 A Well --

6 Q But even if that's an exaggeration, you got played
7 by Matt.

8 A I what?

9 Q You got played by Matt.

10 A Yes, that is correct. That is correct. That will
11 be disappointing. That will be very disappointing for me,
12 for my career, for going through my whole career being the
13 go-to guy, knowing what's going on and I got played, yeah.

14 Q And Sweat.

15 A Yup.

16 Q And even Tilly?

17 A And even Tilly, yup.

18 Q So do you think if you had followed the rules a
19 little more closely --

20 A Yes.

21 Q -- and did less of the gray area that maybe Tilly
22 would have been picked up for some of the things she was
23 doing?

24 A Yup, and that's where her dress code -- when I knew
25 her dress code was inappropriate, but what did I get out

1 of her dress code? Lay down and shut up.

2 Q Well, forget the dress code. What about the fact
3 that she's bringing boxing gloves to inmates? You could
4 have brought --

5 A Yes.

6 Q -- that to the attention of CUI? You could have
7 brought the boxing gloves to the attention of CIU or to
8 anybody in administration.

9 A Yes.

10 Q But you didn't do that.

11 A No, and that was because Matt give me -- gave me
12 information, also.

13 Q I know, but then you got glasses. You're giving
14 him glasses.

15 A Yes.

16 Q You're moving paintings back and forth?

17 A Yes.

18 Q You're bringing him meat?

19 A One time that I was aware of.

20 Q But we're talking about a gray area here.

21 A Yes.

22 Q You were playing in the gray area the entire time.

23 A Yes, yes, I was.

24 Q Your entire career has been in the gray area, isn't
25 that fair to say?

1 A No. Over time, as more experience, as most
2 officers that communicate with inmates all will operate in
3 that area, you bend the rules. Like let's go to the mess
4 hall, when those guys get done working, they're walking
5 out of there with tons of food, and they're not supposed
6 to be, but those guys work with you. They got big
7 paddles. Everybody gets along within reason. It's a give
8 and take.

9 Q But you're putting guys -- do you think now, as you
10 sit here now, you're putting other COs at risk by putting
11 inmates back in the catwalk? Does that cross your mind?

12 A Not for hot wiring them cells, because after that
13 was discovered they went back and searched all 2,000
14 cells; 400 of them were hot-wired. That was common
15 knowledge. Everybody knew the cells that were hot-wired.
16 You'd walk down the gallery, and you could see that the
17 guy was cooking, but that's not a big deal. That's not
18 something we're going to rock the boat over. It's
19 chilling this guy out. He's staying cool. He's not
20 causing me a problem. He's not causing you a problem.
21 We'll move on. We've got other problems to deal with than
22 that, and that was the logic behind that. Yes,
23 technically, but you want to run the letter of the rule,
24 that jail's not going to run.

25 Q But even bringing inmates back out of the tailor

1 shop, you're not logging them out when you're supposed to?

2 A That was an infraction, but I'm sure the directive
3 states that you're supposed to, but that officer was aware
4 that he left, so he was accounted for. But once you got
5 him into the block, now once you brought him over to the
6 block, that first officer, you would bring it to his
7 attention and that his count would change, and he was
8 aware that that inmate was brought back.

9 Q But you're walking -- you're walking Matt into --

10 SPEAKER: Sorry to bother you, I just
11 wanted to mention that there's a meeting here at
12 6:00. Okay? Which is an hour from now. Please
13 leave the door open because I am going to be in
14 trouble if you lock it, okay?

15 Q But the things like walking Matt back to his cell
16 without bringing him through a magnetometer, you did that
17 on multiple occasions.

18 A Yes. That was done by other staff members, which
19 despite what inmate you had depended on what was going on
20 because, really, why -- why bother bringing them through B
21 block corridor through the metal detector? Why would you
22 want to -- if it's shorter to go through A block, why
23 would you do that when the administration said, Well, it's
24 okay that we don't pat them down when they leave the shops
25 and we run them through A block and C block full throttle

1 with no metal detectors, why -- you're -- if the
2 administration is comfortable with it.

3 Q But the administration creates directives and you
4 weren't following them.

5 A And they weren't either.

6 Q The administration wasn't.

7 A No.

8 Q The upper brass, the --

9 A Yes.

10 Q -- superintendent, the Dep of Security.

11 A That is correct.

12 Q So they were picking and choosing what directive
13 they wanted to follow, too?

14 A Because it depended on how much time it took. It
15 comes down to how much time it takes, because once you
16 back up industry, you're trouble.

17 Q Looking back at everything that happened with your
18 interactions with Matt, Sweat and with Tilly Mitchell,
19 specifically those three --

20 A Yes.

21 Q -- is there -- based on the things that you learned
22 or the things that you saw Tilly Mitchell doing before she
23 asked you to do the things that you did for Matt and
24 Sweat, do you now, looking back, have any reservations
25 or --

- 1 A Plenty --
- 2 Q Okay.
- 3 A -- of reservations. But now, really, I want to
- 4 clarify something here because Matt was an informant, just
- 5 as all of my other informants were. You overlook
- 6 infractions because that information you are acquiring was
- 7 important. Now, if it hadn't been -- if Matt hadn't been
- 8 one of my informants and had just been a regular,
- 9 straight-up convict, none of that would have taken place.
- 10 Q But there were times you went to Racette and Quinn
- 11 and said they were going to lose the block but they --
- 12 what did you do to prepare for the loss of the block?
- 13 A I -- phrase that again?
- 14 Q Had you gone to Racette and -- I'm sorry, not
- 15 Racette -- yeah, to Racette and to Quinn at different
- 16 times and said that they're going to lose the yard or lose
- 17 the block, you told them that?
- 18 A Um.
- 19 Q In regards to A block.
- 20 A Yes, I believe I had.
- 21 Q What was that based on?
- 22 A I told them, yes. Now here's another thing.
- 23 Q But wait, wait, wait. What do you mean by lose the
- 24 block?
- 25 A Well, because we had inmates that were coming into

1 A block that shouldn't have been coming into A block,
2 because the directive says that for nine months or history
3 -- here's the key word "history". You're not supposed to
4 have a history of weapons, drugs -- the directive states
5 no history of weapons, drugs or fighting or nine months
6 without a ticket, but you couldn't put anybody in A block
7 that didn't have a history of that, and we had guys coming
8 right out of unit 14. If you wanted a double bunk, that's
9 the box. If you wanted a double bunk because we had to
10 fill those cells because Albany said you got to get them
11 filled, fill them one way or another, so now the directive
12 says you can't --

13 THE COURT REPORTER: Slow down.

14 MR. PALMER: Sorry.

15 A The directive states the policies, but now we have
16 open cells. You can't have an open cell, so, yes, he may
17 have a history of this, put him in the block anyway,
18 because we got to keep our count at whatever it was, 2,029
19 for their head count, so that directive was blown right
20 out of the window, also.

21 Q Is that what you were discussing with Racette and
22 Quinn?

23 A Yes, I spoke with him on that subject and other
24 staff members, too, and they said this is the way it is,
25 and I understood that.

1 Q When you were specifically telling them that they
2 were going to lose the block, were you bringing specific
3 information of a possible fight or --

4 A Yes.

5 Q And is some of that information you claimed you
6 learned from Matt?

7 A He told me who the Bloods were, who -- what the
8 trouble with the Bloods were and other inmates, Muslims,
9 also, or Latin Kings would inform me. The Bloods were not
10 well liked, but I had numerous inmates come up and tell me
11 who the trouble-makers were in the block, but those guys
12 passed the criteria, and we can't remove them from the
13 block because they got into the block. Well, what do you
14 mean we can't remove them? Well, they made it past the
15 criteria, so, politically, it's not -- if the inmate files
16 a grievance, we're going to lose.

17 BY [REDACTED]

18 Q You noted -- you noted in your earlier interview
19 that, quote, we were planning on moving Matt. Do you have
20 any recollection of what -- when was Matt going to be
21 moved?

22 A Oh, you're talking about CMCA's?

23 Q I don't know. You tell me.

24 A He was a CMCA, like numerous inmates, but they were
25 never moved. I never saw those guys moved, and that came

1 from the safety security lieutenant, that was his job, and
2 I'm sure that he was bogged down with other paperwork, and
3 he couldn't accomplish that task because you had hundreds
4 of them guys in the jail.

5 Q Let me just interrupt you, though. Were you aware
6 of a time that Matt was going to be moved for some reason?

7 A No, nothing comes to mind on that.

8 Q Okay. When Matt was transported by you and,
9 possibly, others from the tailor shop to the hospital and
10 then to his cell to bedrest --

11 A Yes.

12 Q -- how long were the periods of bed rest?

13 A Now here's the thing about that. They were doing
14 the showers on 3 and 6. That went on for several months.
15 That guy had a jackhammer eight hours a day. The block
16 officers downstairs had ear plugs in their ears.

17 Q What period of time are we talking about?

18 A When that was happening.

19 Q Was that --

20 A January or February. It should have been
21 documented. His slip said -- his doctor time-off slip
22 from medical will be doc -- is documented, and that will
23 state the time. And I recall those guys working up there
24 when I brought them back through, and most of your escapes
25 that are documented happen during construction.

1 Q You said that correction officers were wearing ear
2 plugs because of the jackhammers.

3 A Yes.

4 Q Is that correct?

5 A Yes.

6 Q Which correction officers?

7 A The first and second officers downstairs.

8 Q By name.

9 A All of them that were down there. They always did.

10 Q Give me all the names of everyone that you
11 observed.

12 A [REDACTED], the other officer, but you said his
13 name earlier. I can't recall it now, but if you rattled
14 their names off, I could -- but now, also, officer on 6
15 company, he had to wear ear plugs, too. Inmates had
16 toilet paper in their ears because it was so loud.

17 Q Okay, but the officers had either ear plugs or
18 toilet paper in their ears, who were they?

19 A That would be [REDACTED] and the second officer,
20 because those are the only two officers that are in the
21 block during the week.

22 Q And you saw them with ear plugs or --

23 A Well, they told me about it.

24 Q They told you.

25 A Yes.

1 Q Did you see it, also?

2 A Yes.

3 Q You did, okay. So [REDACTED] and the second

4 officer. Just give me a second.

5 BY [REDACTED]

6 Q Was it [REDACTED]? Was it [REDACTED]?

7 A [REDACTED], no, but he had one in 4 company on the

8 weekends.

9 BY [REDACTED]

10 Q [REDACTED]?

11 A No, because construction was only through Monday

12 through Friday.

13 Q [REDACTED]

14 A Yes.

15 Q That's the other individual.

16 A I would believe that he would have worn them, too.

17 I would have worn them. Anybody would have worn them.

18 Q No, I don't mean believe. What did you observe or

19 hear about somebody wearing them?

20 A Well, they had spoke and told me that they used ear

21 plugs.

22 Q So [REDACTED] is one of the people.

23 A No, because --

24 Q I'm sorry, [REDACTED]

25 A Yes.

- 1 Q Okay, [REDACTED]?
- 2 A No.
- 3 Q Teddy Sweet?
- 4 A No, because they're not in the block during the
- 5 week.
- 6 Q Allen Trombley.
- 7 A No.
- 8 Q Edward (sic) Racette.
- 9 A No.
- 10 Q Okay, so the two are [REDACTED] and [REDACTED].
- 11 A Yes.
- 12 Q Okay.
- 13 A Now, they didn't have them in their ears
- 14 constantly, but it came to a point where you temporarily
- 15 relieve yourself from the noise, because when the
- 16 jackhammer would stop, you'd pull them back, but --
- 17 Q And this is while Matt is confined to his cell --
- 18 A Yes.
- 19 Q -- for five to ten days for --
- 20 A Yes, looking back, I can see how it all came down.
- 21 Q One more random question. Inmates that work in the
- 22 tunnels or worked in the tunnels, possibly, light, heat
- 23 and power or possibly as part of an asbestos abatement
- 24 project, what do you know about that?
- 25 A That, I wasn't in charge or didn't have any

1 knowledge of that. That would come out of light, heat and
2 power.

3 Q Did you know inmates had knowledge of the tunnels?

4 A Yes, I believe they did, some of them did, because
5 I recall, years back, a blueprint had come up missing out
6 of the light, heat and power office, but they never found
7 it, and they didn't take the time to look for it, so I'm
8 sure the knowledge of the tunnels, selective inmates had
9 that knowledge.

10 Q Do you know any particular inmates who told you I
11 know where the tunnels go and I know --

12 A No.

13 Q No.

14 A Now, I've done the tunnel checks before, and you've
15 got to be on point. That is not an easy task to go down
16 there. You've got to have flashlights. That's very
17 dangerous, and that's why the jail stopped performing
18 tunnel checks. They used to be done every 30 days, but
19 they stopped doing them because it cost overtime, and they
20 were supposed to do tunnel checks in June, but they
21 postponed them.

22 BY [REDACTED]

23 Q Did you -- did there come a time in the end of the
24 summer, did you meet [REDACTED] at his house?

25 A Yes.

- 1 Q What was the purpose of that meeting?
- 2 A Just to see how he was going, talk to him about the
- 3 problems that he had with his wife. She --
- 4 Q At any point did you discuss the escape or --
- 5 A Oh, I'm sure we did. I'm sure we did.
- 6 Q Did you discuss anything else regarding the escape
- 7 or any possible trouble you might be in?
- 8 A I'm quite confident that probably came up.
- 9 Q Did [REDACTED] ask you to leave his residence?
- 10 A No.
- 11 Q Did you meet with [REDACTED] at that time, as
- 12 well?
- 13 A No.
- 14 BY [REDACTED]
- 15 Q Did you ever bring a cell phone into the facility?
- 16 A Yes, I did.
- 17 Q Describe it.
- 18 A I brought a cell phone to take a picture of Teddy
- 19 Sweet because [REDACTED].
- 20 Q And so how did you get it into the facility? Right
- 21 through the front gate?
- 22 A Yes.
- 23 Q And were your bags checked on that occasion?
- 24 A No.
- 25 Q Not even superficially checked?

- 1 A No.
- 2 Q And so once inside the facility, how long did you
3 have that cell phone? Did it remain with you for the
4 entire shift?
- 5 A No, oh, no. What I did is I left it in my locker.
6 When I -- Ted came into the block, I went to my locker and
7 got the cell phone, had the picture taken, and then I put
8 it back into my locker.
- 9 Q So where is your locker?
- 10 A Downstairs, up front.
- 11 Q Downstairs, up front, the administration building?
- 12 A Yes.
- 13 Q Okay. Where was the picture taken?
- 14 A It would have been taken on the second deck.
- 15 Q Second deck of --
- 16 A 2 and 5 company.
- 17 Q Of A block.
- 18 A Yes.
- 19 Q And the picture was taken by an inmate?
- 20 A Yes, [REDACTED] I had him take the picture.
- 21 Q You handed your cell phone to an inmate.
- 22 A Yes.
- 23 Q Took a picture.
- 24 A Yes.
- 25 Q He handed it back.

- 1 A Yes.
- 2 Q You took your camera and brought it back to your
3 locker.
- 4 A Yes.
- 5 Q And that was -- that was -- then it remained in
6 your locker until --
- 7 A Yes.
- 8 Q -- the end of your shift. And that's the complete
9 story.
- 10 A Yes, it is.
- 11 Q Any other time you brought a camera in -- a cell
12 phone?
- 13 A No, that was the only time.
- 14 BY [REDACTED]
- 15 Q Who else was in the photograph?
- 16 A That would be Scott Giguere, Teddy Sweet, Mary
17 Lamar and myself.
- 18 BY [REDACTED]
- 19 Q I have a question. Did you ever escort Matt around
20 the facility and he set off a metal detector?
- 21 A No.
- 22 Q Did you talk to anybody before coming here today
23 about what you were going to tell us with the exception of
24 your two attorneys? I don't want to know what you said to
25 your attorneys. Did you talk to anybody else other than

1 your lawyers?

2 A Other people knew that I had this date with you
3 folks.

4 Q Who?

5 A Mary Lamar knows about it. My [REDACTED] and
6 [REDACTED] knew about it.

7 Q Anybody associated with DOCCS?

8 A I don't believe so. I wouldn't be surprised that
9 there may be one or two people I had told. Let's see
10 here, hold on now. I told another guy -- oh, [REDACTED]
11 [REDACTED], he was one of the few. There was very few people
12 that knew of this date in the Department of Corrections.
13 Now, family members knew what the date was.

14 Q Thanks. Is it your intention to resign from DOCCS
15 should this plea go forward?

16 A I would like to use the term "retire," but yes, I'm
17 leaving.

18 Q You're separating from State service.

19 A Yes. I'm from old school, and, yes, there were
20 rules that were technically -- well, there were rules --
21 not technically -- there were rules that were broken, yes,
22 there were, but there were also rules that I observed the
23 administration break, also serious rules too, so if that's
24 how they want place to run, then that's how we're going to
25 run it.

1 [REDACTED] It's also part of the
2 agreement.

3 Q Okay, thank you.

4 A But, yes, I'll depart. Me going back there is, no,
5 that's not good.

6 [REDACTED] Thank you.

7 (Whereupon, the matter, in the
8 above-entitled proceeding, concluded at 5:18
9 p.m.)

10

11 EXHIBIT INDEX

12 EXHIBIT DESCRIPTION FOR I.D.

13 1 Palmer Proffer Agreement Pg. 2

14 DOCCS EXHIBIT

15 2 Time and Attendance Records for Pg. 2
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17 Views

18 4 Clinton CF Tailor Shop 1 Logs Pg. 2

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C E R T I F I C A T E

I, Kyle Alexy, a Shorthand Reporter and Notary
Public in and for the State of New York, do hereby
certify that the foregoing record taken by me is a true
and accurate transcript of the same, to the best of my
ability and belief.

Kyle Alexy

DATE: December 24, 2015

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Case No.	Case Name	Case Description
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